

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, March 27, 1989

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

The prayer was offered by Rep. Gilmore.

The roll was called and all Representatives were present, except Representatives P. DeMers and Shaft.

A quorum was declared by the Speaker.

REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. P. DeMers was absent as she was attending the funeral of her father, which request was granted.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifty-fifth Day and finds it to be correct.

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

CHAPLAINCY SCHEDULE

MARCH 27-31

DATE	CHURCH
27 Rep. Gilmore	
28 Rev. Hensel Hendrickson .....	Trinity Lutheran Church, Bismarck
29 Rev. Robert Nordvall .....	Charity Lutheran Church, Bismarck
30 Open	
31 Rev. Douglas Roberts .....	United Church of Christ, Bismarck

DOCTOR OF THE DAY SCHEDULE

March 27: Narendra K. Patel, M.D.	- FP Resident	- Minot
March 28: Narendra K. Patel, M.D.	- FP Resident	- Minot
March 29: Steven S. Eisenberg, M.D.	- Family Practice	- Minot
March 30: Charles P. Dahl, M.D.	- Orthopedics	- Bismarck
March 31: David S. Akkerman, M.D.	- FP Resident	- Fargo

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on SB 2222, SB 2231, SB 2373, SB 2412, SB 2468, and SB 2497 recommending amendments on the Sixth order of business on the legislative calendar of the Fifty-sixth Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. WENTZ MOVED that the amendments to SB 2222 as recommended by the Committee on Judiciary as printed on page 1627 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2222, as amended, was placed on the Fourteenth order of business on the calendar.

REP. WENTZ MOVED that the amendments to Engrossed SB 2231 as recommended by the Committee on Judiciary as printed on page 1627 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2231, as amended, was placed on the Fourteenth order of business on the calendar.

REP. A. OLSON MOVED that the amendments to SB 2373 as recommended by the Committee on Natural Resources as printed on pages 1627-1628 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

SB 2373, as amended, was placed on the Fourteenth order of business on the calendar.

REP. WHALEN MOVED that the amendments to Engrossed SB 2412 as recommended by the Committee on Industry, Business and Labor as printed on page 1628 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

Engrossed SB 2412 was rereferred to the Committee on Appropriations.

REP. WENTZ MOVED that the amendments to SB 2468 as recommended by the Committee on Judiciary as printed on pages 1628-1629 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2468, as amended, was placed on the Fourteenth order of business on the calendar.

REP. WENTZ MOVED that the amendments to SB 2497 as recommended by the Committee on Judiciary as printed on page 1629 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2497, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILLS

SB 2222: A BILL for an Act to provide for an exception to the open records law for law enforcement criminal intelligence and criminal investigative information.

#### ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.

SB 2222 passed and the title was agreed to.

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SB 2231: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to exemptions from the open meetings and open records laws for attorney work product and attorney consultation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Hokana; Kolbo; Murphy; Ring; Stofferahn; Tomac; Ulmer; Vander Vorst

ABSENT AND NOT VOTING: DeMers, P.

SB 2231 passed and the title was agreed to.

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SB 2373: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to the nonresident season for taking waterfowl.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 80 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Berg, G.; Berg, R.; Gilmore; Hokana; Kouba; Lang; Mertens; Murphy; Ness; Nicholas; Nowatzki; O'Shea; Schatz; Schindler;

Schmidt; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Tokach; Tomac; Vander Vorst; Whalen

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Scherber; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: DeMers, P.

SB 2373 lost.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Roger Hill

#### SECOND READING OF SENATE BILLS

SB 2468: A BILL for an Act to amend and reenact sections 27-02-05.1, 27-03-01, subsection 1 of section 27-05-30, sections 27-06-01 and 27-20-05 of the North Dakota Century Code, relating to the status of supreme court and district court personnel.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.; Melby

SB 2468 passed and the title was agreed to.

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SB 2497: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false or misleading information in political advertisements.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.

SB 2497 passed and the title was agreed to.

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## MOTION

REP. R. ANDERSON MOVED that SB 2365 and SB 2464 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2365: A BILL for an Act to amend and reenact section 20.1-01-02 of the North Dakota Century Code, relating to the definition of hunt or hunting.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven;

Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Carlson; DeMers, J.; Gerl; Gerntholz; Gilmore; Hanson, L.; Kaldor; Nelson; Ring; Schneider; Thompson, K.; Thompson, V.; Whalen; Williams, W.

ABSENT AND NOT VOTING: DeMers, P.

SB 2365 passed and the title was agreed to.

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SB 2464: A BILL for an Act to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract coverage for substance abuse and mental illness.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 95 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Gerntholz; Gunsch; Kingsbury; Melby; Murphy; Olsen, D.; Olson, A.; Shide; Smette

ABSENT AND NOT VOTING: DeMers, P.; Graba

SB 2464 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1052, HB 1075, HB 1089, HB 1155, HB 1181, HB 1207, HB 1210, HB 1213, HB 1235, HB 1276, HB 1298, HB 1323, HB 1387, HB 1498, HB 1543, HB 1580, HB 1584, HB 1599.

#### SENATE AMENDMENTS TO ENGROSSED HB 1052

Page 8, after line 14, insert:

"p. Serve a term of imprisonment of up to one-half of the maximum term authorized for the offense of which the defendant was convicted or one year, whichever is less."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1075

Page 1, line 4, after the semicolon insert "to provide an appropriation;"

Page 1, line 10, after "obtained" insert "after January 1, 1980," and after "foreclosure" insert "or deed in lieu of foreclosure"

Page 3, after line 8, insert:

"SECTION 7. Appropriation. There is hereby appropriated to the board of university and school lands, as a standing and continuing appropriation from the lease rentals of property subject to valuation under this Act, the funds necessary to make the payments required by this Act."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1089

Page 1, line 10, replace "Effective January 1, 1990, at" with "At"

Page 1, line 11, replace "a majority" with "two-thirds" and remove "writing hospital"

Page 1, line 12, remove "or medical service contracts"

Page 1, line 13, after "subscribers" insert "and not more than one-third of the directors may be health care providers as is provided in this section"

Page 1, line 15, remove the fourth "a"

Page 1, line 18, after "spouse" insert "or a member of the immediate family" and after the underscored period insert:

"A subscriber director of a hospital or medical service corporation must be a subscriber of the services of that corporation.

A provider director of a corporation subject to this chapter must be at all times a person who has a material financial interest in or is a fiduciary to or an employee of or is a spouse or member of the immediate family of a provider having a contract with the corporation to render to its subscribers the services of the corporation or who is a hospital trustee."

Page 1, after line 20, insert:

"The commissioner may adopt rules to implement the process of the election of subscriber directors of the board of directors of a corporation to ensure the representation of a broad spectrum of subscriber interest on each board and establish criteria for the selection of nominees. The rules may provide for an independent subscriber nominating committee to serve until the composition of the board of directors meets the percentage requirements of this section.

Once the composition requirements of this section are met, the nominations for subscriber directors must be made by the subscriber directors of the board under procedures the board establishes which must also permit nomination by petition of at least fifty subscribers. The board shall also establish procedures to permit nomination of provider directors by petition of at least fifty participating providers. A member of the board of directors of a corporation subject to this chapter may not serve on the independent subscriber nominating committee. The nominating committee must consist of subscribers as defined in this section. The rules of the commissioner of insurance may also permit nomination of subscriber directors by a petition of at least fifty participating providers. These petitions may be considered only by the independent nominating committee during the duration of the committee. Following the discontinuance of the committee, the petition process must be continued and the board of directors of the corporation shall consider the petitions. The nominating committee members may not receive per diem or expenses for the performance of their duties."

Page 2, line 3, after "a" insert "provider"

Page 2, line 4, replace the first "for" with "or a subscriber director", replace "the" with "forty dollars per diem plus", and replace "service as a" with "attendance at a meeting"

Page 2, line 5, remove "member"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1155

Page 5, remove lines 1 through 5

Page 5, remove lines 14 through 21

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1181

Page 1, line 22, after "commodity" insert "or livestock"

Page 2, line 20, replace "one hundred" with "seventy-five"

ReNUMBER accordingly

SENATE AMENDMENTS TO HB 1207

Page 1, line 15, after the second underscored comma insert "by means", replace the second "and" with an underscored comma, and after "other" insert "appropriate"

Page 1, line 16, replace "and other" with "or"

Page 1, line 17, after "examinations" insert "taught by chiropractic colleges accredited by the council on chiropractic education or its successor,"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1210

Page 1, line 1, remove the comma

Page 1, line 2, remove "subsection 3 of section 53-06.1-11,"

Page 2, remove lines 10 through 22

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1213

Page 1, line 3, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 5, remove lines 11 through 15

Page 18, after line 24, insert:

"51-23-22. Affirmative defense. It is a defense in any complaint, information, indictment, or any writ or proceeding brought under this chapter alleging a violation of section 51-23-03 based solely on the failure in an individual case to make physical delivery within the applicable time period under subsection 5 of section 51-23-02 or subdivision b of subsection 1 of section 51-23-05 if:

1. Failure to make physical delivery was due solely to factors beyond the control of the seller, the seller's officers, directors, partners, agents, servants, or employees, every person occupying a similar status or performing similar functions, every person who directly or indirectly controls or is controlled by the seller, or any of them, the sellers affiliates, subsidiaries, or successors; and
2. Physical delivery was completed within a reasonable time under the applicable circumstances.

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

Renumber accordingly

SENATE AMENDMENTS TO HB 1235

Page 1, line 4, after "foods" insert "; and to amend and reenact sections 23-05-01 and 23-14-06 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods"

Page 1, line 8, underscore "Exemption for certain home-prepared food." and replace "This chapter does not" with "Nothing in this chapter may be construed to prohibit"

Page 1, line 9, remove "apply to" and underscore "a person not regularly engaged in the business of preparing or"

Page 1, line 10, underscore "selling food", replace "and who prepares" with "from preparing", and underscore "food for sale directly to the ultimate"

Page 1, line 11, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"

Page 1, underscore lines 12 through 20

- Page 1, line 21, underscore "1260-1265; 21 U.S.C. 603 et seq.]" and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 2, line 3, underscore "Exemption for certain home-prepared food." and replace "This chapter does not" with "Nothing in this chapter may be construed to prohibit"
- Page 2, line 4, remove "apply to" and underscore "a person not regularly engaged in the business of preparing or"
- Page 2, line 5, underscore "selling food", replace "and who prepares" with "from preparing", and underscore "food for sale directly to the ultimate"
- Page 2, line 6, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"
- Page 2, underscore lines 7 through 15
- Page 2, line 16, underscore "1260-1265; 21 U.S.C. 603 et seq.]" and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 2, line 19, underscore "Exemption for home-prepared beverages." and replace "This chapter does not apply" with "Nothing in this chapter may be construed to prohibit"
- Page 2, line 20, remove "to" and underscore "a person not regularly engaged in the business of preparing or selling"
- Page 2, line 21, underscore "beverages", replace "and who prepares" with "from preparing", and underscore "beverages for sale directly to the ultimate"
- Page 2, line 22, underscore "consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes, including the raising of"
- Page 2, underscore lines 23 through 28
- Page 3, underscore line 1
- Page 3, line 2, underscore "products." and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 3, line 5, underscore "Exemption for home-prepared", remove "rolls and white", underscore "bread", after "bread" insert "products", underscore the period, and replace "This chapter does" with "Nothing in this chapter may be construed to prohibit"

- Page 3, line 6, remove "not apply to" and underscore "a person not regularly engaged in the business of preparing or"
- Page 3, line 7, underscore "selling rolls", replace "or white" with an underscored comma, underscore "bread", replace "and who prepares" with ", or other bread products from preparing", underscore "rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore "for sale"
- Page 3, line 8, underscore "directly to the ultimate consumer", replace "; for" with "if the", underscore "sale or use", after "use" insert "is", and underscore "for political purposes,"
- Page 3, underscore lines 9 through 14
- Page 3, line 15, underscore "business of selling rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore ". The exemption provided by this"
- Page 3, line 16, underscore "section does not apply to rolls", replace "or white" with an underscored comma, underscore "bread", after "bread" insert ", or other bread products", and underscore "prepared using nongrade A"
- Page 3, line 17, underscore "dairy products." and after the period insert "Inspections conducted or rules adopted under this chapter may not be used by the department of health and consolidated laboratories to prohibit or restrict the sale and use of home-prepared foods as provided in this section."
- Page 3, after line 17, insert:

"SECTION 5. AMENDMENT. Section 23-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-05-01. Powers and duties of local board of health. The county, city, and township boards of health shall be known as local boards of health, and each board shall have the following powers and duties within its jurisdiction:

1. To employ such persons as may be necessary to carry into effect the regulations established by it and the provisions of this title.
2. To inquire into all nuisances, sources of filth, and causes of sickness, and make such regulations regarding the same as are necessary for the public health and safety, but the regulations of the township board of health shall be temporary, and such board, immediately upon taking such action, shall report the same to the county superintendent of public health, who shall give the board specific instructions or take such action as he deems necessary for the protection of public health.
3. To adopt such quarantine and sanitary measures as are necessary when an infectious or contagious disease exists in its jurisdiction.

4. To provide such necessities of life as in its judgment shall be needed for the maintenance, welfare, and comfort of persons afflicted with contagious and infectious diseases.
5. To enter into and examine at any time all buildings, lots, and places of any description within its jurisdiction for the purpose of ascertaining the conditions thereof insofar as public health may be affected.
6. To make such rules and regulations as are necessary and proper for the preservation of public health and safety.

Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing food for sale directly to the ultimate consumer if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.]. Inspections conducted or rules adopted under this chapter may not be used by a local board of health to prohibit or restrict the sale and use of home-prepared foods as provided in this section.

SECTION 6. AMENDMENT. Section 23-14-06 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-14-06. Powers of the district boards of health - Fees. Each district board of health shall have and shall exercise all the powers and duties which now or hereafter may be given to a local board of health by the laws of the state insofar as the same are not inconsistent with this chapter. District health units may establish by regulation a schedule of reasonable fees which may be charged for services rendered. However, services may not be withheld because of inability to pay any fees established under this section. Nothing in this chapter may be construed to prohibit a person not regularly engaged in the business of preparing or selling food from preparing food for sale directly to the ultimate consumer if the sale or use is for political purposes, including the raising of funds for use in supporting or opposing the nomination or election of any candidate, promoting the passage or defeat of any initiated or referred measure, or supporting or opposing any other political issue; or for sale or use by nonprofit charitable, educational, fraternal, religious, or veterans organization, civic or service club, or other nonprofit public-spirited organization not regularly engaged in the business of selling food. The exemption provided by this section does not apply to home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.]. Inspections conducted or rules adopted under this chapter may not be

used by a district health unit to prohibit or restrict the sale and use of home-prepared foods as provided in this section."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1276

In lieu of the amendments to engrossed House Bill No. 1276 adopted by the Senate as printed on pages 1196-1197 of the Senate Journal, engrossed House Bill No. 1276 is amended as follows:

Page 1, line 4, after "16.1-01-09" insert "and section 44-10-01" and after "petitions" insert "and removal from office"

Page 1, line 22, after "recall" insert "for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency"

Page 2, after line 26, insert:

"SECTION 3. AMENDMENT. Section 44-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-10-01. Additional proceedings - Removal from office. In addition to the proceedings mentioned in chapter 32-13 and chapters 44-02, ~~44-08~~, and 44-11, and apart and distinct from any other criminal action or proceedings, the provisions of this chapter are adopted to obtain a judgment of removal from office."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1276

Page 1, line 4, after "16.1-01-09" insert ", sections 44-02-04, and 44-10-01", and after "petitions" insert "and vacancies in or removal from office"

Page 1, line 22, after "recall" insert "for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency"

Page 2, after line 26, insert:

"SECTION 3. AMENDMENT. Section 44-02-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-02-04. Vacancy in county office - Appointment. A vacancy in any county office, other than that of county commissioner, must be filled by the board of county commissioners; ~~with the exception that if a vacancy has occurred in the office of state's attorney by reason of his removal under section 44-11-01; the appointment must be made by the board of county commissioners by and with the advice and consent of the governor.~~ A vacancy in the office of county judge must be filled as provided in chapter 27-26. The board of county commissioners may declare a county office to be vacant whenever the officeholder is unable to perform the duties of the office for six months or more. However, if within one year the officeholder should become able to perform ~~his~~ the duties of office the county commissioners may, for good cause shown, reinstate ~~such~~ the officeholder.

SECTION 4. AMENDMENT. Section 44-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-10-01. Additional proceedings - Removal from office. In addition to the proceedings mentioned in chapter 32-13 and chapters 44-02 and ~~44-08~~ 44-08, and apart and distinct from any other criminal action or proceedings, the provisions of this chapter are adopted to obtain a judgment of removal from office."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1298

Page 1, line 19, remove "or trade"

Page 2, line 3, remove "dispense as written", "D.A.W.", or"

Page 2, line 6, after the period insert "A reminder legend must be placed on all prescription forms. The legend must state: "In order to require that a brand name product be dispensed, the practitioner must handwrite the words 'brand necessary'." The legend printed on the prescription form must be in at least sixteen-point uppercase print."

Renumber accordingly

SENATE AMENDMENTS TO HB 1323

Page 1, line 11, after "ballot" insert "as independent nominations"

Renumber accordingly

SENATE AMENDMENTS TO HB 1387

Page 1, line 12, after "landowners" insert "or operators"

Page 1, line 13, remove "the landowner's own" and after "land" insert "owned or operated by that individual"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1498

Page 1, line 2, replace "mortgages" with "loans"

Page 1, line 8, replace the comma with "must be"

Page 1, line 9, replace "mortgagee" with "borrower" and replace "mortgagor, must be affixed to all" with "lender on loans that"

Page 1, remove line 10

Page 1, line 11, remove "which"

Page 1, line 13, after "may" insert "attempt to"

Page 1, line 15, after "that" insert "it may be alleged that"

Page 1, line 18, after "that" insert "it may be alleged that"

Renumber accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1543

Page 2, line 15, replace "absentee ballot precinct" with "county, city, or legislative district"

Re-number accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1543

In addition to the amendments to Engrossed House Bill No. 1543 adopted by the Senate as printed on page 1199 of the Senate Journal, Engrossed House Bill No. 1543 is further amended as follows:

Page 2, line 16, after "as" insert "all", after "polls" insert "in the county, city, or legislative district", and after "completed" insert a comma

Re-number accordingly

## SENATE AMENDMENTS TO ENGROSSED HB 1580

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-09.1-03 of the North Dakota Century Code, relating to the exemption of wages.

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

SECTION 1. AMENDMENT. Section 32-09.1-03 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

## 32-09.1-03. Restriction on garnishment of earnings.

1. The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment may not exceed the lesser of:
  - a. Twenty-five percent of disposable earnings for that week.
  - b. The amount by which disposable earnings for that week exceed forty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended [Pub. L. 95-151; 91 Stat. 1245; 29 U.S.C. 206] or any equivalent multiple thereof prescribed by regulation by the secretary of labor in case of earnings for any pay period other than a week, in effect at the time the earnings are payable.
2. The maximum amount subject to garnishment under subsection 1 for any workweek must be reduced by twenty dollars for each dependent family member residing with the garnishment debtor.
3. The restrictions of subsection 1 do not apply in the case of:
  - a. Any order of any court for the support of any person.
  - b. Any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.
  - c. Any debt due for any state or federal tax.

~~3-~~ 4. The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

- a. Where such individual is supporting a spouse or dependent child other than a spouse or child with respect to whose support such order is used, fifty percent of the individual's disposable earnings for that week; and
- b. Where such individual is not supporting a spouse or dependent child other than a spouse or child with respect to whose support such order is used, sixty percent of the individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the fifty percent specified in subdivision a shall be deemed to be fifty-five percent and the sixty percent specified in subdivision b shall be deemed to be sixty-five percent, if and to the extent that the earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

~~4-~~ 5. No court of this state may make, execute, or enforce any order or process in violation of this section."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1584

Page 2, line 25, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 3, line 12, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 3, line 24, after "willfully" insert ", as defined in section 12.1-02-02,"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1584

Page 3, line 14, replace "he" with "that person"

Page 7, line 18, overstrike "him" and insert immediately thereafter "that person"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1599

Page 1, line 12, remove "including that" and replace "employees and contractors of a" with "qualified mental health professionals."

Page 1, remove line 13

Page 1, line 16, replace "general service" with "individual treatment"

Page 2, line 12, after "the" insert "active"

Page 2, line 13, replace "that" with "or a distinct part of a facility that provides to children and adolescents, a total, twenty-four hour, therapeutic environment integrating group living, educational services, and a clinical program based upon a comprehensive, interdisciplinary clinical assessment and an individualized treatment plan that meets the needs of the child and family. The services are available to children in need of and able to respond to active psychotherapeutic intervention and who cannot be effectively treated in their own family, in another home, or in a less restrictive setting."

Page 2, remove lines 14 and 15

Page 2, replace lines 23 through 25 with:

"2. The program director of the center holds, at a minimum, a master's degree in social work, psychology, or in a related behavioral science with at least two years of professional experience in the treatment of children and adolescents suffering from mental illnesses or emotional disturbances. The executive director of the center must have, at a minimum, a bachelor's degree in a behavioral science or a bachelor's degree in any field and two years of experience in administration;

3. The staff employed by the center is supervised by the program director and qualified by training and experience to provide services to children and adolescents suffering from mental illnesses or emotional disturbances. The center annually must provide training to staff which is relevant to the needs of the client population;"

Page 3, line 4, replace "Appropriate arrangements are made" with "The center will provide"

Page 3, line 5, after "resident" insert "within seventy-two hours of admission and thereafter as needed by the resident" and remove "and"

Page 3, after line 5, insert:

"7. An interdisciplinary team consisting of at least one qualified mental health professional will review each individual treatment plan at least monthly and update or amend the plan to meet the needs of the resident; and"

Page 3, after line 21, insert:

"Admission criteria. A child may be admitted to a residential treatment center for children if, the child has been diagnosed by a psychiatrist or psychologist as suffering from a mental illness or emotional disturbance and the child is in need of and able to respond to active psychotherapeutic intervention and cannot be effectively treated in the child's family, in another home, or in a less restrictive setting. The center must take into account the age and diagnosis of the child in order to provide an environment that is safe and therapeutic for all residents."

Re-number accordingly

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

MR. SPEAKER: The President has signed: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505, HB 1665.

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

MR. SPEAKER: The Senate has failed to pass: HB 1402.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069, HB 1434.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654, HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1671, HB 1673.

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

MR. PRESIDENT: The House has passed unchanged: SB 2428.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2421.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2079, SB 2085, SB 2187, SB 2206, SB 2220, SB 2230, SB 2335, SB 2360, SB 2376, SB 2440, SB 2462.

#### MOTIONS

REP. R. ANDERSON MOVED that SB 2014 and SB 2026, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that SB 2464 be messaged to the Senate immediately, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2129: A BILL for an Act to amend and reenact section 26.1-01-07 and subsection 1 of section 26.1-01-07.1 of the North Dakota Century Code, relating to fees charged by the commissioner of insurance.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 11 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Belter; Clayburgh; Dorso; Gorman; Gunsch; Kingsbury; Kouba; Olson, V.; Payne; Schmidt; Timm

ABSENT AND NOT VOTING: DeMers, P.; Graba; Peterson; Speaker Kretschmar

SB 2129 passed and the title was agreed to.

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SB 2152: A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-15 of the North Dakota Century Code, relating to the requirements for requesting a state audit by petition or at the request of the chairman of the board.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.; Graba; Kloubec

SB 2152 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2524, SCR 4061, SCR 4064.

SECOND READING OF SENATE BILLS

SB 2172: A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to priority in the sale and use of abandoned railroad right of way.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Melby; Olson, A.; O'Shea; Thompson, K.; Tokach; Tomac; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: DeMers, P.; Haugen

SB 2172 passed and the title was agreed to.

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SB 2242: A BILL for an Act to provide for the regulation of government self-insurance pools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.; Haugen; Schatz

SB 2242 passed and the title was agreed to.

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SB 2304: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-15-56 of the North Dakota Century Code, relating to priorities for use of revenues from tax levies for programs and activities for senior citizens; and to provide an effective date.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: DeMers, P.; Haugen

SB 2304 passed and the title was agreed to.

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#### REQUEST

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

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WALD MOVED that the House do not concur in the Senate amendments to HB 1023 as printed on pages 1499-1500 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1023: Reps. Sorensen, Wald, Watne.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do not concur in the Senate amendments to HB 1039 as printed on page 1485 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1039: Reps. Rydell, Clayburgh, P. DeMers.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1123 as printed on page 1438 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1123: Reps. R. Larson, Shide, Enget.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1124 as printed on page 1438 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1124: Reps. R. Larson, Whalen, Skjerven.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do not concur in the Senate amendments to HB 1134 as printed on pages 1438-1439 of the House Journal, which motion prevailed.

## MOTION

REP. LINDGREN MOVED that the House reconsider its action whereby it did concur with the Senate amendments to HB 1134 as printed on pages 1438-1439 of the House Journal, and that the House do not concur with the Senate amendments to HB 1134, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1152 as printed on pages 1258-1259 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1152: Reps. Bernstein, Clayburgh, Huether.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1294 as printed on page 1486 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1294: Reps. Dorso, Shide, Skjerven.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LINDGREN MOVED that the House do not concur in the Senate amendments to HB 1510 as printed on page 1542 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1510: Reps. Lindgren, Howard, Gerl.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1050 as printed on page 1437 of the House Journal, which motion prevailed.

Engrossed HB 1050, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to amend and reenact sections 28-24-11, 32-19-06, and 32-19-19 of the North Dakota Century Code, relating to abandonment of real property subject to mortgage foreclosure actions.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 2 NAYS, 27 ABSENT AND NOT VOTING.

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

NAYS: Brokaw; Shockman

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

Mertens; Nelson; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1050 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1051 as printed on page 1437 of the House Journal, which motion prevailed.

HB 1051, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact section 28-23-04 of the North Dakota Century Code, relating to the notice of sale in mortgage foreclosure actions.

#### ROLL CALL

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

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

NAYS: None

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

(Committee on Appropriations members excused.)

HB 1051 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1062 as printed on page 1257 of the House Journal, which motion prevailed.

HB 1062, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1062: A BILL for an Act relating to records and information related to the legislative branch; and declaring an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 9 NAYS, 24 ABSENT AND NOT VOTING.

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

NAYS: Carlson; DeMers, J.; Murphy; Myrdal; Ring; Tokach; Tomac; Ulmer; Wilkie

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

(Committee on Appropriations members excused.)

HB 1062 passed, the title was agreed to, and the emergency clause carried.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1098 as printed on pages 1485-1486 of the House Journal, which motion prevailed.

HB 1098, as amended, was placed on the Eleventh order of business on the calendar.

## MOTION

REP. KLOUBEC MOVED that HB 1098 be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1106 as printed on page 1257 of the House Journal, which motion prevailed.

HB 1106, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1106: A BILL for an Act to amend and reenact section 25-02-04 of the North Dakota Century Code, relating to the qualifications of the superintendent of the state hospital.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 15 NAYS, 27 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Christman; Clayburgh; Dorso; Flaagan; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kloubec; Kneil; Kolbo; Kouba; Lang; Larson, D.; Lindgren; Marks; Martin; Martinson; Murphy; Myrdal; Nelson; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Scherber; Schindler; Schmidt; Skjerven; Soukup; Starke; Stenehjerm; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Berg, R.; Bernstein; Carlson; DeMers, J.; Enget; Frey; Kaldor; Larson, R.; Melby; Ness; Ring; Schneider; Shockman; Ulmer

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

(Committee on Appropriations members excused.)

HB 1106 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1119 as printed on page 1541 of the House Journal, which motion prevailed.

Engrossed HB 1119, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1119: A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code, relating to prohibition against a medical provider billing the claimant for the difference between the usual and customary charge and the amount allowed by the bureau fee schedule.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 0 NAYS, 29 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Kneil; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shockman; Skjerven; Soukup; Starke; Stenehjerm; Thompson, V.; Timm; Tokach; Tollefson; Tomac;

Trautman; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; DeMers, P.; Gerntholz; Graba; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Ulmer; Wald; Watne

(Committee on Appropriations members excused.)

HB 1119 passed and the title was agreed to.

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THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Senator George Rait

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1142 as printed on page 1486 of the House Journal, which motion prevailed.

HB 1142, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to amend and reenact sections 26.1-05-04, 26.1-12-10, and 26.1-18-23 of the North Dakota Century Code, relating to solvency requirements for stock insurance companies, incorporated mutual insurance companies, and health maintenance organizations; and to repeal section 26.1-05-05 of the North Dakota Century Code, relating to residence requirements of directors and executive officers of domestic insurance companies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 30 ABSENT AND NOT VOTING.

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

NAYS: None

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

Laughlin; Mertens; Nicholas; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne; Wilkie

(Committee on Appropriations members excused.)

HB 1142 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1146 as printed on page 1258 of the House Journal, which motion prevailed.

HB 1146, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact section 6-09.10-06 of the North Dakota Century Code, relating to the interest subsidy revolving loan fund maintained at the Bank of North Dakota.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 0 NAYS, 31 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; DeMers, P.; Gerl; Gerntholz; Graba; Gunsch; Hanson, D.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Martin; Mertens; Nicholas; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1146 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to HB 1178 as printed on page 1486 of the House Journal, which motion prevailed.

HB 1178, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact sections 24-02-26.1, 24-02-27, and 24-02-32 of the North Dakota Century Code, relating to the arbitration of claims on contracts for the construction or repair of highways.

#### ROLL CALL

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

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

NAYS: Knell; Larson, D.; Melby

ABSENT AND NOT VOTING: Dalrymple; DeMers, P.; Gerl; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Martin; Mertens; Nicholas; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferah; Thompson, K.; Timm; Wald; Watne

(Committee on Appropriations members excused.)

HB 1178 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to Engrossed HB 1192 as printed on page 1439 of the House Journal, which motion prevailed.

Engrossed HB 1192, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to create and enact a new subsection to section 10-04-03 of the North Dakota Century Code, relating to fees for written opinions of the commissioner; and to amend and reenact subsection 2 of section 10-04-03, subsections 1 and 2 of section 10-04-05, and subsection 11 of section 10-04-06 of the North Dakota Century Code, relating to the authority of the securities commissioner, an exemption for governmental securities, registration exemptions for banks, and an exemption for employee stock purchase plans.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 30 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Dalrymple; DeMers, P.; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Howard; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferah; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1192 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1197 as printed on pages 1439-1440 of the House Journal, which motion prevailed.

Engrossed HB 1197, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to create and enact a new chapter to title 23 and a new section to chapter 50-06 of the North Dakota Century Code, relating to basic care facilities under the jurisdiction of the state department of health and consolidated laboratories and the establishment of reasonable rates for basic care facilities by the department of human services; to amend and reenact sections 23-16-01, 50-02-04, subsection 8 of section 50-06-01.4, section 50-06-14.1, subsection 3 of section 50-10.1-01, subsection 3 of section 50-10.2-01, sections 50-21-01, 50-21-02, 50-21-03, 50-21-04, and subsections 17 and 24 of section 57-39.2-04 of the North Dakota Century Code, relating to transfer of the authority of the department of human services over homes for the aged and infirm to the department of health and consolidated laboratories; to repeal sections 50-18-01, 50-18-01.1, 50-18-01.2, 50-18-02, 50-18-02.1, 50-18-03, 50-18-03.1, 50-18-04, 50-18-05, 50-18-06, 50-18-06.1, 50-18-06.2, 50-18-07, and 50-18-08 of the North Dakota Century Code, relating to boarding homes for the aged and infirm under the jurisdiction of the department of human services; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 0 NAYS, 28 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; DeMers, P.; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nicholas; Nowatzki; Olsen, D.; O'Shea; Payne; Peterson; Shaft; Shide; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1197 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SB 2464.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1023, HB 1039, HB 1123, HB 1124, and HB 1152 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1023: Reps. Sorensen, Wald, Watne  
 HB 1039: Reps. Rydell, Clayburgh, P. DeMers  
 HB 1123: Reps. R. Larson, Shide, Enget  
 HB 1124: Reps. R. Larson, Whalen, Skjerven  
 HB 1152: Reps. Bernstein, Clayburgh, Huether

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1294 and HB 1510, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1294: Reps. Dorso, Shide, Skjerven  
 HB 1510: Reps. Lindgren, Howard, Gerl

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1050, HB 1051, HB 1062, and HB 1106 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1119, HB 1134, HB 1142, HB 1146, and HB 1178 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1192 and HB 1197 and subsequently passed the same.

#### MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Tuesday, March 28, 1989, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred Engrossed SB 2030 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

Engrossed SB 2030 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2077 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

Engrossed SB 2077 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2212 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after "sections" insert "12-44.1-04, 12-44.1-06, 12-44.1-22, 12-44.1-23, 12-44.1-24, 12-44.1-25, 12-44.1-26, 12-44.1-27,"

Page 1, after line 17, insert:

"SECTION 1. AMENDMENT. Section 12-44.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-04. Administration - Organization - Management. The governing body of each jail shall:

1. Formulate an operations manual, available to all jail staff, which delineates the written policies and procedures for operating and maintaining the jail.
2. Review and update all policies and procedures in the operations manual at least annually.

3. Specify a single jail administrator in the operations manual to whom all jail staff are responsible. The operations manual shall include the jail administrator's duties, responsibilities, and authority for the management of the jail staff, inmates, programs, and physical plant.
4. Ensure that all full-time jail staff who work in direct and continuing contact with inmates receive jail management training as determined and funded by the criminal justice training and statistics division of the attorney general's office department of corrections or such other training as approved by the criminal justice training and statistics division department of corrections.

SECTION 2. AMENDMENT. Section 12-44.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-06. Grades of jail facilities. The attorney general department of corrections shall, following inspection pursuant to section 12-44.1-24, grade jails as to length of allowable inmate confinement based upon construction, size, and usage, as follows:

1. "Grade one" means a jail for confining inmates not more than one year.
2. "Grade two" means a jail for confining inmates not more than ninety days.
3. "Grade three" means a jail for confining inmates not more than ninety-six hours.

SECTION 3. AMENDMENT. Section 12-44.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-22. Jail register - Contents. Each jail administrator shall be responsible for a jail register in which shall be entered such inmate information on such forms as the attorney general department of corrections shall prescribe by rule.

SECTION 4. AMENDMENT. Section 12-44.1-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-23. Jail report. Each jail administrator shall make and file a quarterly report from the jail register with the attorney general the department of corrections. The attorney general department of corrections shall consolidate the jail reports for public release.

SECTION 5. AMENDMENT. Section 12-44.1-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-24. Jail standards - Inspections. The attorney general department of corrections shall:

1. Prescribe rules and regulations pursuant to chapter 28-32 establishing minimum standards for the construction, operation, and maintenance of public or private juvenile detention centers, county and city jails, and regional corrections centers.

2. Prescribe rules for the care and treatment of inmates.
3. Cause rules and regulations to be made available to inmates or be posted in at least one conspicuous place in each jail, juvenile detention center, or regional corrections center and in each cell or cellblock where they may be read by inmates.
4. Appoint a jail inspector qualified by special experience, education, or training to inspect each jail, juvenile detention center, and regional corrections center at least once each year to determine if the rules and regulations have been complied with. Inspection shall include, but not be limited to, health and safety, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined, and personnel training.

SECTION 6. AMENDMENT. Section 12-44.1-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-25. Inspection report - Notice of noncompliance - Hearing.

1. A written report of each inspection pursuant to section 12-44.1-24 shall be made by the jail inspector within thirty days following each inspection.
2. Copies of the report shall be sent by the jail inspector to the governing body responsible for the jail, juvenile detention center, or regional corrections center and shall also be submitted to the attorney general department of corrections for review.
3. The inspection report shall specify those respects in which a jail, juvenile detention center, or regional corrections center does or does not comply with the required minimum standards and rules. The inspection report of noncompliance shall specify the time limits within which such standards or rules are to be met, with consideration being given to the magnitude or seriousness of the deficiencies and their potential effects on the health and safety of inmates, the cost of correction, and other information deemed relevant by the attorney general department of corrections.
4. Where the nature and extent of deficiencies are such that an immediate order of full or partial closure is deemed necessary by the attorney general department of corrections to preserve the health and safety of inmates, the period of time for correction may be dispensed with and an order of immediate full or partial closure may be issued by the attorney general department of corrections.
5. Within thirty days after receipt of a notice or order of immediate closure, the governing body of a jail, juvenile detention center, or regional corrections center may request a review of the determination by the attorney general department of corrections pursuant to chapter 28-32. The review shall be heard not more than forty-five days following

the request, unless the period is extended by the ~~attorney general~~ department of corrections.

SECTION 7. AMENDMENT. Section 12-44.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-26. Jail variances.

1. All jails, juvenile detention centers, and regional corrections centers shall comply with the requirements of the rules and regulations promulgated by the ~~attorney general~~ department of corrections unless a variance has been granted by the ~~attorney general~~ department of corrections. Any request for a variance must be in writing and must cite the rule in question, the reasons for requesting the variance, the period of time for the variance, and an explanation of how the policy of the rule will be served without strict compliance with the rule.
2. The ~~attorney general~~ department of corrections may grant a variance if it is determined that:
  - a. Compliance with the rule would cause extreme hardship as a result of circumstances which are unique to the jail, juvenile detention center, or regional corrections center.
  - b. The jail, juvenile detention center, or regional corrections center can and will substantially comply with the policy of the rule during the time of the variance from the rule.
3. The ~~attorney general~~ department of corrections shall give written reasons for granting or denying a variance request.
4. In previously existing jails, juvenile detention centers, or regional corrections centers where specific rules cannot be complied with because of alleged difficulty or undue hardship, exception to specific physical plant rules shall be made if the intent of the rule is met and security, supervision of prisoners, established programs, or the safe, healthful, or efficient operation of the jail, juvenile detention center, or regional corrections center is not seriously affected.

SECTION 8. AMENDMENT. Section 12-44.1-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-44.1-27. Corrective action - Enforcement.

1. Upon receipt of an inspection report stating noncompliance, the governing body of a jail, juvenile detention center, or regional corrections center shall promptly meet with the ~~attorney general's~~ department of corrections' inspection personnel to consider the inspection report. The governing body shall then initiate appropriate corrective action within ninety days following receipt of the inspection report, or

may voluntarily close the jail, juvenile detention center, or regional corrections center or the objectionable portion.

2. If the governing body of a jail, juvenile detention center, or regional corrections center fails to initiate corrective action within ninety days after receipt of the inspection report and notice of noncompliance, or fails to close the jail, juvenile detention center, or regional corrections center or objectionable portion, the attorney general director of the department of corrections is authorized to petition the district court of the judicial district in which the jail, juvenile detention center, or regional corrections center is located to order the initiation of corrective action or the closure of the jail, juvenile detention center, or regional corrections center. The petition to the district court shall include the inspection report regarding the jail, juvenile detention center, or regional corrections center. The governing body shall have twenty days to respond to the petition and shall serve a copy of the response on the attorney general director of the department of corrections by certified mail.
  
3. A hearing shall be held on the petition of the attorney general department of corrections before the district court. An order shall be rendered by the district court which dismisses the petition, directs that corrective action be initiated in some form by the governing body, or directs the closure of the jail, juvenile detention center, or regional corrections center."

Page 20, line 14, overstrike "Director of" and replace "the department" with "Department"

Page 20, line 15, after "administer" insert "juvenile", after "program" insert "and other treatment and rehabilitation programs", and overstrike "director of"

Page 20, line 16, remove the first "the"

Page 20, line 17, overstrike "an" and insert immediately thereafter "a juvenile" and after "program" insert "and other treatment and rehabilitation programs"

Page 20, line 18, overstrike "aftercare"

Page 20, line 19, overstrike "state industrial school" and insert immediately thereafter "division of juvenile services", remove the overstrike over "and may", and remove the underscored comma

Page 20, line 20, remove "which those persons may receive aftercare"

Page 20, line 21, remove "establish", overstrike "and regulations", and remove the overstrike over "under, which such persons may receive"

Page 20, line 22, replace "therefor" with "services"

Re-number accordingly

Engrossed SB 2212 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education (Rep. Gates, Chairman) to which was referred Engrossed SB 2260 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 3, line 11, replace "may" with "shall"

Re-number accordingly

Engrossed SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2332 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 2, line 15, after the first "to" insert "willfully"

Page 2, line 19, remove "The court may not suspend execution or defer"

Page 2, remove line 20

Page 2, line 21, remove "this subsection." and overstrike "Any" and insert immediately thereafter "The court may not suspend execution or defer imposition of any sentence imposed under subdivision a, b, or c of this subsection. Subject to this requirement, any"

Page 4, line 17, after "by" insert "willfully"

Page 5, after line 7, insert:

"c. The court may not suspend execution of or defer imposition of any sentence imposed under this subsection."

Page 7, after line 3, insert:

"SECTION 3. AMENDMENT. Section 54-21-25 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-25. Authority to contract with other governmental agencies for prisoners and juvenile delinquents. If the director of ~~institutions~~ the department of corrections and rehabilitation determines that adequate or suitable state facilities or services are not available for adult inmates or juvenile delinquents under his the director's control he the director may contract for same with the proper authorities of the United States, Canada, and any of its governmental subdivisions, another state, another agency in this state or a political subdivision of this state, or with any private or public correctional or treatment facility or agency. The state shall reimburse such entities at an amount to be determined by the state based upon the services the state determines are required for the

housing and treatment of the inmates. The director may also contract, without cost to the state, to provide services or facilities for persons held by any of the jurisdictions mentioned in this section. An adult inmate or juvenile delinquent who is considered for transfer to another jurisdiction as herein provided, and who as an adult or as parent or guardian of a juvenile does not consent to the transfer, will be given notice of the pending transfer and a review by an institutional staff board including at least one member from the treatment staff, the security or housing staff, the administrative staff, and chaired by an individual designated by the director of institutions to determine the need and justification for a transfer. The findings of the review board will, if appropriate, be given to the adult inmate or juvenile delinquent or a representative or guardian, and in the case of adults, to the pardon board, and in the case of juveniles, to the designated juvenile court staff for their approval of the requested transfer. If a treaty is in effect between the United States and a foreign country for the transfer and exchange of offenders, the director of institutions, upon recommendation of the warden and the approval of the governor, may on behalf of the state under the terms of the treaty transfer or exchange offenders and take any action necessary for the state to participate in the treaty."

Renumber accordingly

SB 2332 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland Chairman) to which was referred Reengrossed SB 2357 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 3, line 4, after "with" insert "developmental disabilities or"

Page 3, line 5, remove ". That child"

Page 3, line 7, after "disabilities" insert "or mental illness"

Page 3, line 8, after "50-25.1" insert "is eligible for protective services"

Page 3, line 9, after "of" insert ", or any person in a fiduciary relationship with,"

Page 3, line 23, remove "hospital,"

Page 5, line 17, after the period insert "The board may contract with a public or private agency for administrative supervision and support services for the department. To ensure that the department provides cost-effective delivery of services responsive to the needs of the client population, the board may request a program and fiscal audit by the state auditor."

Page 5, line 21, replace "Three" with "Two"

Page 5, line 24, replace "No more than one" with "Two members must be either a parent, spouse, or sibling of a person with developmental

disabilities or mental illness. One of the members must be a mental health professional. One" and remove "seven board"

Page 5, line 25, replace "may" with "must"

Page 6, line 1, replace "three" with "two" and replace the second "two" with "three"

Page 6, line 12, replace "section" with "sections 44-08-04 and" and after "54-06-09" insert "while attending board meetings or in the performance of duties as the board may direct"

Page 9, line 17, replace "The" with "Pursuant to rules adopted by the department, the"

Page 9, line 18, after "provide" insert "advocacy and"

Page 9, line 20, replace "The department shall, within the limits of legislative" with "The rules adopted by the department relating to the need for the consent of the client must balance the rights of persons with developmental disabilities or mental illnesses to privacy and to refuse services under section 11 of this Act with the department's duties to protect the human and legal rights of persons eligible for services and to monitor facilities for compliance with federal and state laws and rules."

Page 9, remove lines 21 and 22

Page 9, line 23, remove "person."

Page 10, line 6, replace "in disputes between clients and" with "to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of developmentally disabled or mentally ill persons who are receiving treatment or care in the state, and employ counsel to represent the department when, in the opinion of the attorney general, a conflict of interest under the North Dakota Rules of Professional Conduct exists between the office of attorney general and the department, and the conflict cannot be avoided by the appointment of counsel under subsection 3 of section 54-12-01 or section 54-12-08."

Page 10, remove line 7

Page 10, remove lines 27 through 29

Page 11, line 21, after "persons" insert "- Rules"

Page 11, line 22, remove "1." and replace "facility" with "person with developmental disabilities or mental illness and to the facility where the person resides. The department shall adopt rules under chapter 28-32 regarding the department's access to the records of a client, for the purpose of investigating complaints or reports and monitoring service delivery systems. Any rules adopted under this section must comply with subsection 4 of section 25-01.2-03, section 25-16-07, 42 U.S.C. 6042, and 42 U.S.C. 10805."

Page 11, remove lines 23 through 29

Page 12, remove lines 1 through 16

Renumber accordingly

Reengrossed SB 2357 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was rereferred Engrossed SB 2384 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

Engrossed SB 2384 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred Engrossed SB 2389 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, remove "a new subsection to section 11-16-01 and"

Page 1, line 3, remove "duties of states attorneys in commitment proceedings and to"

Page 1, remove lines 12 through 16

Page 7, line 17, remove "Application to state's attorney -"

Page 7, line 21, after "~~with~~" insert "shall present the information necessary for the commitment of an individual for involuntary treatment to", remove the overstrike over "~~the clerk of court~~", and remove "shall present the information necessary for the"

Page 7, remove line 22

Page 7, line 24, remove the overstrike over "~~clerk of court~~" and remove "state's attorney"

Page 8, line 13, replace "state's attorney" with "clerk of court"

Page 8, line 20, replace "state's attorney" with "clerk of court"

Page 8, line 22, after the period insert "The clerk of court or the petitioner may request the state's attorney to review the completed petition prior to submitting it to the court." and remove "~~The~~"

Page 8, remove lines 23 through 28

Page 13, line 13, remove the overstrike over "~~and the~~"

Page 13, line 14, remove the overstrike over "~~results of the outreach workers' investigation~~"

Renumber accordingly

Engrossed SB 2389 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson Chairman) to which was referred Reengrossed SB 2399 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS and be rereferred to the Committee on Appropriations:

Page 1, line 7, replace "seventeen" with "sixteen"

Page 3, line 3, replace "thirty-first" with "first" and replace "first" with "thirtieth"

Renumber accordingly

Reengrossed SB 2399 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2400 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "section" with "sections" and after "5-02-05" insert "and 5-02-05.1"

Page 1, line 3, after "days" insert "and alcoholic beverage permits", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 5-02-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5-02-05.1. Special Sunday ~~convention~~ event alcoholic beverage permit - Penalty.

1. Any city or county may issue a special Sunday ~~convention~~ event alcoholic beverage permit to a private club, lodge, restaurant, motel, or hotel, as defined under city ordinances or county resolutions and licensed as a retail alcoholic beverage establishment ~~pursuant to~~ under chapter 5-02; or to a ~~civic center, which publicly owned or operated facility that serves as the headquarters for a state, multistate, or national convention event of a bona fide organization recognized by the governing body of the city or county in which the convention event is held.~~ A county may not issue a permit under this section to a private club, lodge, restaurant, motel, or hotel located within the geographical boundaries of a city.
2. The authority for issuing such special permit rests solely with the governing body of the city or county. A special permit ~~must~~ may be granted only upon proper application to and approval by the governing body, and ~~shall~~ must include payment of a fee determined by ~~such~~ the governing body. A special permit granted by the city or county is effective for one Sunday only.

3. Under the special permit, alcoholic beverages may be distributed and dancing may be permitted in those rooms of the private club, lodge, restaurant, motel, hotel, or ~~civic center publicly owned or operated facility~~ which have been specifically reserved for ~~convention event~~ activities, ~~but may not be permitted in bar and lounge areas containing the permanent bar fixtures and normally open to the public.~~ A city or county may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on the specified Sunday and one a.m. on Monday. ~~Under no circumstances may the~~ The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority and conditions of the special permit. ~~It is the duty of the~~ The private club, lodge, restaurant, motel, hotel, or ~~civic center publicly owned or operated facility~~ granted the special permit ~~to shall~~ enforce the requirements of this section and the conditions established by the governing body of the city or county under the permit.
4. The special Sunday ~~convention event~~ alcoholic beverage permit ~~must may~~ not be granted to allow the distribution of alcoholic beverages at gatherings or meetings which, in the opinion of the governing body of the city or county, are primarily local in nature.
5. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a special permit, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.

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

Renumber accordingly

SB 2400 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland Chairman) to which was referred Engrossed SB 2416 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 14, replace "July 1, 1989" with "January 1, 1990"

Page 1, line 19, replace "an oral and maxillofacial" with "a dentist"

Page 1, line 20, remove "surgeon"

Page 1, line 21, replace "ten" with "eight" and replace "five hundred" with "two thousand"

Page 2, line 9, replace "an oral and maxillofacial" with "a dentist"

Page 2, line 10, remove "surgeon"

Page 2, line 11, replace "ten" with "eight" and replace "five hundred" with "two thousand"

Re-number accordingly

Engrossed SB 2416 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren Chairman) to which was referred SB 2424 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 9, after "but" insert "if the mileage expense is chargeable to any entity other than the county the charge and reimbursement may" and after "not" insert "be"

Page 1, line 10, remove "reimbursement" and after "each" insert "round"

Re-number accordingly

SB 2424 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred SB 2461 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2461 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILL

SB 2524: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the state board of architecture, definitions, exemptions, board membership, rules, the practice of architecture, examinations, fees, board powers and duties, license revocation, and penalties; to repeal chapter 43-03 of the North Dakota Century Code, relating to architects and the practice of architecture; and to provide a penalty.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4061: A concurrent resolution urging Congress not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines.

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

SCR 4064: A concurrent resolution urging Congress and the Department of the Treasury to rescind or amend legislative and rulemaking provisions that require Disaster Assistance Act of 1988 payments to farmers to be treated as income in a single taxable year.

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

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

ROY GILBREATH, Chief Clerk