

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, March 15, 1995

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

The prayer was offered by the Rev. Ron Rich, Riverwood Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Carlson, Freier, Hagle, and Oban.

A quorum was declared by the Speaker.

## SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4017, SCR 4024, SCR 4032, SCR 4039, SCR 4048, SCR 4051.

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

MADAM PRESIDENT: The Speaker has signed: SCR 4017, SCR 4024, SCR 4032, SCR 4039, SCR 4048, SCR 4051.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3010, HCR 3012, HCR 3030.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2081.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1082, HB 1185, HB 1221, HB 1223, HCR 3018.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2070, SB 2089, SB 2093, SB 2109, SB 2118, SB 2127, SB 2130, SB 2132, SB 2146.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2111, SB 2154, SB 2180, SB 2251, SB 2268, SB 2330, SB 2410, SB 2429, SB 2447, SB 2448, SB 2451, SB 2454, SB 2456, SB 2457, SB 2458, SB 2462, SB 2472, SB 2481, SB 2484, SB 2490.

## MOTION

REP. DORSO MOVED that Engrossed SB 2327, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

## SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2072, Engrossed SB 2155, Engrossed SB 2198, Engrossed SB 2332, SB 2342, Reengrossed SB 2350, Engrossed SB 2352, Engrossed SB 2402, SB 2438, SB 2439, Engrossed SB 2453, and Engrossed SB 2482 were adopted.

Engrossed SB 2072, Engrossed SB 2155, Engrossed SB 2198, Engrossed SB 2332, SB 2342, Reengrossed SB 2350, Engrossed SB 2352, Engrossed SB 2402, SB 2438, SB 2439, Engrossed SB 2453, and Engrossed SB 2482, as amended, were placed on

the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2072, Engrossed SB 2155, Engrossed SB 2198, Engrossed SB 2332, SB 2342, Reengrossed SB 2350, Engrossed SB 2352, Engrossed SB 2402, SB 2438, SB 2439, Engrossed SB 2453, and Engrossed SB 2482, as amended, be moved to the top of the Fourteenth order on today's calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2072:** A BILL for an Act to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and landowner preference hunting licenses.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Hausauer; Oban

Engrossed SB 2072, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to amend and reenact section 50-24.4-25 of the North Dakota Century Code, relating to nursing facility cost report extensions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Hausauer; Oban

Engrossed SB 2155, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to amend and reenact subsection 7 of section 5-01-01, sections 5-01-11, 5-01-14, and subsection 2 of section 5-03-04 of the North Dakota Century Code, relating to microbrew pubs; and to repeal section 5-03-03 of the North Dakota Century Code, relating to bonding of beer or liquor wholesalers.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Oban

Engrossed SB 2198, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that the House waive the reading of the title to Engrossed SB 2332, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2332:** A BILL for an Act to amend and reenact section 16.1-05-01, subsections 2 and 3 of section 16.1-05-03, sections 16.1-05-05, 16.1-06-15, 16.1-06-18, 16.1-07-05, 16.1-07-12, 16.1-12-04, and 16.1-15-44 of the North Dakota Century Code, relating to election workers, testing election equipment, ballots, political advertisements, independent candidates, and voting abstracts; and to repeal sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code, relating to affidavits of candidacy and filling vacancies in slates of candidates.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne;

Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Oban

Engrossed SB 2332, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2342:** A BILL for an Act to amend and reenact sections 6-03-02 and 6-05.1-03 of the North Dakota Century Code, relating to conflict of interest for banks acting as fiduciaries in investment in securities.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Delzer; Drovdal; Kempenich; Olson

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Mickelson; Oban

SB 2342, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that Reengrossed SB 2350 be laid over one legislative day, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that Engrossed SB 2386 and Engrossed SB 2517 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2386:** A BILL for an Act to provide a limitation on the duration of production incentives for an ethanol plant; to amend and reenact sections 39-04-19 and 57-43.1-03.1 of the North Dakota Century Code, relating to motor vehicle registration fees and reductions of refunds of motor vehicle fuels taxes for fuel used for agricultural purposes; to provide an appropriation; and to provide an effective date and an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 94 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Oban

Engrossed SB 2386 was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2517:** A BILL for an Act to amend and reenact sections 15-45-02 and 15-47-01 of the North Dakota Century Code, relating to the age of admission to kindergarten and grade one.

**MOTION**

**REP. MICKELSON MOVED** the previous question, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 55 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Carlisle; Christopherson; Clayburgh; Dalrymple; Delmore; Delzer; Dorso; Froseth; Galvin; Gorder; Gorman; Grosz; Hausauer; Henegar, K.; Kelsch; Klein; Kliniske; Koppelman; Kretschmar; Maragos; Mickelson; Payne; Poolman; Schimke; Shide; Soukup; Stenehjerm; Sveen; Thompson; Timm; Tollefson; Wald; Wentz

**NAYS:** Aarsvold; Boucher; Brown; Byerly; Christenson; Clark; Coats; DeKrey; DeWitz; Dobrinski; Drovdal; Gerntholz; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Henegar, D.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Kerzman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Sitz; Skarphol; Svedjan; Thoreson; Torgerson; Walker; Wardner; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Oban

Engrossed SB 2517 was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2352:** A BILL for an Act to amend and reenact sections 32-19-06.1 and 32-19.1-07 of the North Dakota Century Code, relating to deficiency judgments on commercial real estate loans.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Boucher; Delzer; Maragos; Sitz; Wilkie

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Oban; Stenehjem

Engrossed SB 2352, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2402:** A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to preference to North Dakota resident bidders; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Gorder; Hagle; Henegar, D.; Oban; Stenehjem

Engrossed SB 2402, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2438:** A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to limited prescriptive practices by licensed pharmacists.

#### 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, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Torgerson; Wald; Wardner; Wilkie; Speaker Martin

**NAYS:** Bernstein; Kliniske; Laughlin; Lloyd; Tollefson; Walker; Wentz

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Howard; Oban

SB 2438, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that the House waive the reading of the titles to SB 2439 and SB 2270, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2439:** A BILL for an Act to create and enact a new section to chapter 14-09, a new chapter to title 26.1, a new subsection to section 50-06-05.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993; and to amend and reenact section 14-09-08.11, subsection 5 of section 14-09-09.10, and sections 26.1-36-12, 50-24.1-02.3, and 50-24.1-07 of the North Dakota Century Code, relating to pre-need funeral plans and implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Stenehjem

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Oban

SB 2439, as amended, passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2453:** A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to certificates of candidacy by write-in candidates.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Oban; Thompson

Engrossed SB 2453, as amended, passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2482:** A BILL for an Act to create and enact three new sections to chapter 11-19.1 and a new section to chapter 23-01 of the North Dakota Century Code, relating to the establishment of a state forensic examiner; and to amend and reenact sections 11-19-09, 11-19.1-06, 11-19.1-17, and 12-45-01 of the North Dakota Century Code, relating to the office of coroner and the state forensic examiner.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovda; Galvin; Gerntholz; Glassheim; Gordier; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Froseth; Jacobs; Payne; Walker

**ABSENT AND NOT VOTING:** Carlson; Delzer; Freier; Hagle; Henegar, D.; Mickelson; Nicholas; Oban

Engrossed SB 2482, as amended, passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to create and enact two new subsections to section 25-03.1-40 of the North Dakota Century Code, relating to rights of patients; and to amend and reenact section 25-03.1-24 of the North Dakota Century Code, relating to the right to treat.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Kroeber; Kunkel

ABSENT AND NOT VOTING: Carlson; Coats; Freier; Hagle; Henegar, D.; Maragos; Oban; Payne

Engrossed SB 2430, as amended, passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act providing an appropriation for adjusted compensation to certain veterans; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Carlson; Freier; Hagle; Henegar, D.; Maragos; Oban; Payne

Engrossed SB 2475, as amended, passed the title was agreed to, and the emergency clause was declared carried.

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SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to amend and reenact section 57-02-27.2 of the

North Dakota Century Code, relating to consideration of irrigation in the valuation of cropland; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 14 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Brown; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Bateman; Boehm; Byerly; Carlisle; Clark; Drovda; Froseth; Laughlin; Maragos; Rennerfeldt; Skarphol; Soukup; Torgerson; Wald

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Nicholas; Oban; Payne

Engrossed SB 2524, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that Reengrossed SB 2031 be laid over two legislative days, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2270:** A BILL for an Act to create and enact five new sections to chapter 43-29 of the North Dakota Century Code, relating to licensure of veterinary technicians, veterinary technician services, and automatic licensure for certified veterinary technicians; and to amend and reenact section 43-29-09 and subsection 8 of section 43-29-13 of the North Dakota Century Code, relating to the adoption of rules by the board of veterinary medical examiners and persons not considered to be engaging in the practice of veterinary medicine.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Clayburgh; Freier; Hagle; Henegar, D.; Oban; Payne; Sveen

SB 2270, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4026:** A concurrent resolution directing the Legislative Council to study the present and future role of the State Mill and Elevator.

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

SCR 4026, as amended, was declared adopted on a voice vote.

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**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**NAYS:** Poolman

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Oban; Payne; Soukup; Sveen; Wentz

Engrossed SB 2001 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard;

Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Oban; Payne; Sveen; Wentz; Wilkie

Engrossed SB 2002 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Froeth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**NAYS:** Dobrinski; Nichols

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Nicholas; Oban; Payne; Wentz

Engrossed SB 2007 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that SB 2160, SB 2263, Engrossed SB 2283, and SB 2344 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2160:** A BILL for an Act to amend and reenact subsection 24 of section 26.1-01-07 of the North Dakota Century Code, relating to insurance company appointment fees; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 7 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal;

Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nottestad; Olson; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Byerly; Clark; Kunkel; Nichols; Poolman; Rennerfeldt; Skarphol

**ABSENT AND NOT VOTING:** Carlson; Freier; Hagle; Henegar, D.; Nicholas; Oban; Payne; Stenehjelm

SB 2160 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2263:** A BILL for an Act to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to an automated fingerprint identification system by the bureau of criminal investigation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Gorder; Hagle; Henegar, D.; Nicholas; Oban; Payne

SB 2263 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2283:** A BILL for an Act to create and enact a new subsection to section 4-14.2-01 of the North Dakota Century Code, relating to funds appropriated to the northern crops institute; and to amend and reenact sections 4-05.1-02 and 4-08-10 of the North Dakota Century Code, relating to funds appropriated to the North Dakota state university extension service and agricultural experiment station.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso;

Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Carlson; Freier; Gorder; Hagle; Henegar, D.; Monson; Nicholas; Oban; Payne

Engrossed SB 2283 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2344:** A BILL for an Act to create and enact four new subsections to section 1-01-49 and sections 10-31-02.2, 10-31-03.2, 10-31-07.3, and chapter 45-22 of the North Dakota Century Code, relating to limited liability partnerships; to amend and reenact sections 5-01-01, 5-02-02, subsection 22 of section 10-09.1-01, sections 10-31-01, 10-31-02, 10-31-02.1, 10-31-03, 10-31-03.1, 10-31-04, 10-31-05, 10-31-06, 10-31-07, 10-31-07.2, 10-31-08, 10-31-09, 10-31-10, 10-31-11, 10-31-12, 10-31-13, 10-31-13.1, 10-31-14, and subsection 32 of section 10-32-02 of the North Dakota Century Code, relating to professional associations; to repeal sections 1-01-28, 10-19.1-07, and 10-32-03 of the North Dakota Century Code, relating to the definition of person and the reservation of legislative power; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 1 NAY, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**NAYS:** Wentz

**ABSENT AND NOT VOTING:** Carlson; Freier; Gorder; Hagle; Henegar, D.; Nicholas; Oban; Payne

Engrossed SB 2344 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to create and enact a new subsection to section 54-07-01 of the North Dakota Century Code, relating to the duty of the governor to report on the status of children and families in the state; and to amend and reenact sections 54-56-03 and 54-56-04 of the North

Dakota Century Code, relating to the duties and powers of the children's services coordinating committee.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Gerntholz; Glasheim; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Delzer; Galvin; Mahoney

**ABSENT AND NOT VOTING:** Carlson; Freier; Gorder; Hagle; Henegar, D.; Nicholas; Oban; Payne

Reengrossed SB 2041 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2054:** A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to the distribution of payments to school districts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glasheim; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Maragos

**ABSENT AND NOT VOTING:** Carlson; Clayburgh; Freier; Gorder; Hagle; Henegar, D.; Nicholas; Oban; Payne

Engrossed SB 2054 passed and the title was agreed to.

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#### MOTION

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

## MOTION

REP. DORSO MOVED that the House be on the Twelfth, Thirteenth, Fifth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 16, 1995, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4013.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution for the amendment of sections 8 and 13 of article IV, section 7 of article V, and section 9 of article XI of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly, legislative procedures, powers and duties of the lieutenant governor, and impeachment proceedings; and to repeal section 13 of article XI of the Constitution of North Dakota, relating to impeachment proceedings.

Has been heard by the Joint Constitutional Revision Committee.

## REPORT OF STANDING COMMITTEE

SB 2021: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "769,700" with "979,700"

Page 2, line 2, replace "23,293,656" with "23,503,656"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 720 - GAME AND FISH DEPARTMENT

HOUSE - This amendment increases the capital improvements line item by \$210,000 of other funds for the construction of an addition to the Dickinson Game and Fish Department regional office building as follows:

	SENATE VERSION	ADDITIONAL FUNDS FOR CAPITAL IMPROVEMENTS	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$10,322,211			\$10,322,211
Operating expenses	6,800,000			6,800,000
Equipment	594,400			594,000
Capital improvements	769,700	\$210,000 <sup>1</sup>	\$210,000	979,700
Grants	1,866,500			1,866,500
Noxious weed control	200,000			200,000
Land habitat and deer depredation	900,000			900,000
Wildlife habitat	650,000			650,000
Small and big game restoration trust	200,000			200,000
Grants, gifts, and donations	100,000			100,000
Nongame wildlife	120,000			120,000
Lonetree Reservoir	<u>770,000</u>			<u>770,000</u>
Total	\$23,293,656	\$210,000	\$210,000	\$23,503,656
General fund				
Special funds	<u>\$23,293,656</u>	<u>\$210,000</u>	<u>\$210,000</u>	<u>\$23,503,656</u>

Total	\$23,293,656	\$210,000	\$210,000	\$23,503,656
FTE	126			126

<sup>1</sup> A corresponding reduction is anticipated to Senate Bill No. 2030, which includes \$210,000 other funds authority for the expansion to the department's Dickinson regional office.

#### REPORT OF STANDING COMMITTEE

SB 2075, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2075 was placed on the Sixth order on the calendar.

Page 1, line 7, after the fourth comma insert "19-14-02, subsections 3 and 4 of section 19-14-03, sections 19-14-04, 19-14-05, 19-14-06, 19-14-07,"

Page 1, line 17, after the first comma insert "livestock medicine,"

Page 11, after line 15, insert:

"SECTION 13. AMENDMENT. Section 19-14-02 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-02. Registration of livestock medicine.** The ~~department commissioner of agriculture~~, upon the application of the manufacturer or distributor ~~thereof of livestock medicine~~ and the payment of the registration fee prescribed in section 19-14-04, shall register any livestock medicine ~~which that~~ does not violate ~~any of the provisions of~~ this chapter. ~~Such~~ The registration expires on June thirtieth of each year unless it is canceled sooner because a change is made in the ingredients or formula of manufacture or in the name, brand, or trademark under which the medicine is sold. In the event of any ~~such~~ change, ~~such~~ the medicine must be registered anew in the same manner as upon an original application.

SECTION 14. AMENDMENT. Subsections 3 and 4 of section 19-14-03 of the North Dakota Century Code is amended and reenacted as follows:

3. Which has not been registered by the ~~department commissioner of agriculture~~ for sale in this state. The certificate of registration must include a disclosure of the name and quantity or proportion of each active ingredient, and the names of the inert ingredients or fillers.
4. Which does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package:
  - a. The common name in English of all active ingredients in the order of their predominance in the product;
  - b. A statement of the actual percentage or relative amounts of each ingredient active and inert. In the case of certain products (such as coated medicinal tablets), it may be impractical to state the quantity or proportion of inert ingredients and exemptions must be established by ~~regulations issued~~ rules adopted by the ~~food~~ commissioner ~~and chemist~~;
  - c. The net contents, by weight, measure, or numerical count of ~~such~~ the package;

- d. The name and principal address of the manufacturer or person responsible for placing ~~such~~ the livestock medicine on the market; and
- e. Complete and explicit directions for use of ~~such~~ the medicine.

**SECTION 15. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-04. Registration fee.** Prior to each annual registration, a registration fee of ten dollars must be paid to the ~~department commissioner of agriculture~~ department commissioner of agriculture for each livestock medicine ~~which that~~ that is registered.

**SECTION 16. AMENDMENT.** Section 19-14-05 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-05. ~~Department Commissioner~~ Department Commissioner may cancel registration.** The ~~department commissioner of agriculture~~ department commissioner of agriculture may cancel the registration of any livestock medicine ~~which that~~ that is sold subsequent to its registration in violation of ~~any of the provisions of~~ the provisions of this chapter. The ~~department commissioner of agriculture~~ department commissioner of agriculture may cancel ~~such~~ the registration whenever a change is made in the ingredients or formula of the manufacture or in the name, brand, or trademark under which the medicine is sold, unless ~~such~~ the medicine has been reregistered.

**SECTION 17. AMENDMENT.** Section 19-14-06 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-06. ~~Department Commissioner~~ Department Commissioner may adopt rules and regulations, take testimony, grant public hearings.** The ~~department commissioner of agriculture~~ department commissioner of agriculture may adopt rules and regulations ~~pursuant to chapter 28-32 governing applications for registration, the submission of samples for analysis, and all other matters necessary to give effect to this chapter.~~ pursuant to chapter 28-32 governing applications for registration, the submission of samples for analysis, and all other matters necessary to give effect to this chapter. ~~† The commissioner of agriculture~~ † The commissioner of agriculture may take expert and other testimony whenever ~~† the commissioner~~ † the commissioner deems ~~such~~ the testimony advisable and, upon request, shall grant a public hearing prior to the cancellation of a registration and also to any manufacturer or distributor whose request for registration of any livestock medicine has been denied.

**SECTION 18. AMENDMENT.** Section 19-14-07 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-07. Enforcement of chapter.** The ~~department commissioner of agriculture~~ department commissioner of agriculture shall enforce ~~the provisions of~~ the provisions of this chapter by inspection, chemical analysis, and any other appropriate method. All samples for analysis must be taken from stocks held within, or intended for sale in, this state. The ~~department commissioner of agriculture~~ department commissioner of agriculture may call upon any manufacturer or distributor applying for registration of a medicine to supply samples ~~thereof~~ of the medicine for analysis."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2090, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2090 was placed on the Sixth order on the calendar.

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

Page 1, line 5, after "provided" insert "; and to declare an emergency"

Page 2, after line 15, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2101, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Sixth order on the calendar.

Page 3, line 11, after "made" insert "and the statement alleged to be false and defamatory was not made with actual malice"

Page 6, line 11, after "unless" insert "the statement was made with actual malice or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). SB 2115 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 950-951 of the House Journal, Senate Bill No. 2115 is amended as follows:

Page 2, line 1, after "contract" insert ", twenty percent of"

Page 2, line 3, after "be" insert "paid to the city, ten percent paid to the county treasury, and seventy percent"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 1, after "50-06-05.6" insert ", a new section to chapter 50-06.1, and a new section to chapter 54-34.3"

Page 1, line 2, after "aging" insert ", the committee on employment of people with disabilities, and the commission on the status of women" and remove the first "and"

Page 1, line 3, remove "50-26-01, 50-26-02, 50-26-03, 50-26-05,"

Page 1, line 5, after "administration" insert a semicolon and after "and" insert "to repeal chapter 50-26 of the North Dakota Century Code, relating to"

Page 1, line 11, overstrike "the" and remove "committee on"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "the status of women;"

Page 4, replace lines 11 through 29 with:

"SECTION 3. A new section to chapter 50-06.1 of the North Dakota Century Code is created and enacted as follows:

Committee on employment of people with disabilities - Appointment - Expenses - Duties. There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee shall coordinate activities and serve as a clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 9, line 2, overstrike "50-26-01", remove the underscored comma, and after the second comma insert "section 3 of this Act, section 7 of this Act."

Page 9, line 24, overstrike "governor's council" and insert immediately thereafter "committee", overstrike "human resources" and insert immediately thereafter "aging"

Page 9, line 25, after the first period insert "The committee on employment of people with disabilities."

t. The commission on the status of women.

u."

Page 9, line 26, overstrike "t." and remove "The committee on aging."

Page 9, line 27, replace "u." with "v."

Page 9, line 28, replace "v" with "w"

Page 9, line 29, replace "w" with "x"

Page 10, line 1, replace "x" with "y"

Page 10, after line 1, insert:

"SECTION 7. A new section to chapter 54-34.3 of the North Dakota Century Code is created and enacted as follows:

Commission on the status of women - Appointment - Expenses - Duties. There is established a commission on the status of women. The commission consists of five members. The governor shall appoint each member for a term of four years, staggered so that the term of at least one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be

made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The commission shall coordinate activities and serve as a clearinghouse and an advisory group to the department for information relating to economic development programs that focus on career development for women. The commission shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the economic and career development of women.

**SECTION 8. REPEAL.** Chapter 50-26 of the North Dakota Century Code is repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2204: Finance and Taxation Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "subsection to section 61-02-02"

Page 1, line 2, remove "and a new"

Page 1, line 4, remove "61-02-47,"

Page 1, line 6, remove "61-02-59,", remove "and", and after "61-02-64.1" insert ", and 61-24.6-01"

Page 1, remove lines 11 through 14

Page 1, line 17, remove the overstrike over "~~Commission~~" and remove "Industrial commission"

Page 1, line 19, remove "industrial"

Page 2, line 4, remove "industrial" and after "may" insert "provide for the"

Page 2, line 5, replace "refund and refinance its" with "refunding and refinancing of the"

Page 2, line 7, remove "Before the industrial commission may issue bonds under this chapter"

Page 2, remove lines 8 and 9

Page 2, line 10, remove "to issue the bonds."

Page 2, line 23, remove "industrial commission or the"

Page 2, line 27, remove "and the funds, if any, to be appropriated by"

Page 2, line 28, remove "the legislative assembly"

Page 2, line 29, remove "industrial commission or the"

Page 3, remove lines 3 through 10

- Page 3, line 13, remove the overstrike over "~~Commission~~" and remove "~~Industrial commission~~"
- Page 3, line 14, remove "~~industrial~~"
- Page 3, line 20, remove "~~, including the Bank of~~"
- Page 3, line 21, remove "~~North Dakota~~", overstrike "by the", remove "~~industrial~~", and overstrike "commission"
- Page 3, line 22, remove "~~industrial~~"
- Page 3, line 28, remove "~~industrial commission or the~~"
- Page 4, line 6, remove the overstrike over "~~Commission~~" and remove "~~Industrial commission~~"
- Page 4, line 7, remove "~~industrial~~"
- Page 4, line 15, remove "~~industrial commission and the~~"
- Page 4, line 16, remove "~~industrial~~"
- Page 4, line 17, overstrike "sell" and insert immediately thereafter "provide for the sale of"
- Page 4, line 23, remove "~~industrial commission~~"
- Page 4, line 24, remove "~~and the~~"
- Page 5, line 14, remove "~~industrial~~"
- Page 5, line 15, after "issue" insert "or provide for the issuance of"
- Page 5, line 27, remove "~~industrial~~"
- Page 6, line 5, remove "~~industrial~~"
- Page 6, line 8, remove "~~industrial~~"
- Page 6, line 11, remove "~~industrial~~"
- Page 6, line 13, remove "~~, including the Bank of North Dakota,~~"
- Page 6, line 15, remove "~~industrial~~"
- Page 6, line 23, remove "~~industrial~~"
- Page 6, line 24, remove "~~industrial~~"
- Page 6, line 28, remove "~~industrial~~"
- Page 7, remove lines 15 through 21
- Page 8, line 17, remove "~~industrial commission and~~"
- Page 8, line 21, remove "~~industrial~~"
- Page 8, line 22, remove "~~commission and the~~"
- Page 8, line 28, remove "~~industrial commission or the~~"
- Page 9, line 13, remove "~~industrial commission or the~~"
- Page 9, line 22, remove "~~industrial commission or the~~"

- Page 9, line 25, remove "industrial commission or the"
- Page 10, line 3, remove ", including the Bank of North Dakota,"
- Page 10, line 5, remove "industrial commission or"
- Page 10, line 6, remove "the"
- Page 10, line 28, remove "industrial commission"
- Page 10, line 29, remove "and the"
- Page 11, line 8, remove "industrial commission or"
- Page 11, line 21, remove "industrial"
- Page 11, line 23, remove "industrial"
- Page 11, line 24, remove "commission or the"
- Page 12, line 13, replace "by" with "under"
- Page 12, line 14, remove "the industrial commission as authorized by"
- Page 12, line 26, remove "industrial"
- Page 13, line 1, remove "by the"
- Page 13, line 2, remove "industrial commission"
- Page 13, line 3, remove "industrial" and remove "or the"
- Page 13, line 4, remove "commission"
- Page 13, line 5, remove "Funds appropriated by the legislative assembly."
- Page 13, line 6, remove "3." and remove "industrial commission or the"
- Page 13, after line 7, insert:

**"SECTION 17. AMENDMENT.** Section 61-24.6-01 of the 1993 Supplement to the North Dakota Century Code, as amended by section 1 of Senate Bill No. 2148, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

**61-24.6-01. Findings and declaration of policy.** It is hereby found and declared by the legislative assembly that many areas and localities in northwestern North Dakota do not enjoy safe drinking water, and that the water in these areas and localities contains iron, sulfates, alkali, salt, nitrates, fluoride, and other hazardous and discoloring substances. It is also found and declared that other areas and localities in northwestern North Dakota do not have sufficient quantities of water to ensure a dependable, long-term supply. It is further found and declared that supplementation of the water resources of northwestern North Dakota with water supplies from the Missouri River, utilizing a pipeline transmission and delivery system, may be the only alternative to provide northwestern North Dakota with a safe, good quality, dependable source, and adequate quantity of water.

It is further declared that effective development and utilization of the land and water resources of this state; the opportunity for greater economic security; the protection of health, property, enterprise, and the preservation of the benefits from the land and water resources of this state; and the promotion of the prosperity and

general welfare of all of the people of North Dakota involve, necessitate, and require the exercise of the sovereign powers of the state and concern a public purpose. Therefore, in order to accomplish this public purpose, it is hereby declared necessary that a project be pursued that would supply and distribute water to the people of northwestern North Dakota through a pipeline transmission and delivery system for purposes including domestic, rural water districts, municipal, livestock, light industrial, mining, and other uses, with primary emphasis on domestic, rural water district, and municipal uses. In furtherance of this public purpose, the ~~industrial~~ state water commission may ~~issue~~ provide for the issuance of bonds in accordance with chapter 61-02 to finance the costs of the project.

The provisions of this chapter may not be construed to abrogate or limit the rights, powers, duties, and functions of the state water commission or the state engineer, but must be considered supplementary to those rights, powers, duties, and functions."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2237: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "responsible" and remove "strictly liable"

Page 1, line 14, replace "is" with "may also be"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2343: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2343 was placed on the Sixth order on the calendar.

Page 2, line 16, remove "and"

Page 2, line 17, after "person" insert "; and to declare an emergency"

Page 104, after line 28, insert:

"SECTION 81. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2388, as reengrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the preparation of taking assessments in an administrative rulemaking procedure and reconsideration of administrative rules.

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

**SECTION 1.** A new section to chapter 28-32 of the North Dakota Century Code is created and enacted as follows:

**Takings assessment of government agency appeal.**

1. An agency shall prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The agency's assessment must:
  - a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
  - b. Clearly and specifically identify the purpose of the proposed rule.
  - c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
  - d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
  - e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
  - f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.
2. Any private landowner who is or may be affected by a rule that limits the use of the landowner's private real property may request in writing that the agency reconsider the application or need for the rule. Within thirty days of receiving the request, the agency shall consider the request and shall in writing inform the landowner whether the agency intends to keep the rule in place, modify application of the rule, or repeal the rule.
3. In an agency's analysis of the takings implications of a proposed rule, "taking" means the taking of private real property, as defined in section 47-01-03, by government action which requires compensation to the owner of that property by the fifth or fourteenth amendment to the Constitution of the United States or section 16 of article I of the Constitution of North Dakota. "Regulatory taking" means a taking of real property through the exercise of the police and regulatory powers of the state which reduces the value of the real property by more than fifty percent. However, the exercise of a police or regulatory power does not effect a taking if it substantially advances legitimate state interests, does not deny an owner economically viable use of the owner's land, or is in accordance with applicable state or federal law."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2425, as engrossed:** Political Subdivisions Committee (Rep. Soukup, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2425 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and allowing"

Page 1, remove line 3

Page 1, line 4, remove "elections with counties"

Page 1, line 16, remove "with a population"

Page 1, line 17, remove "greater than one hundred", remove the overstrike over "~~enter into an agreement~~", and remove "and the governing body"

Page 1, line 18, remove "of a city with a population of one hundred or less may agree"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SCR 4049, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SCR 4049 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "a" with "children; and analyze case data on the application of, and deviations from, the guidelines to ensure that deviations from the guidelines are limited"

Page 2, line 2, remove "child"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2024, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2024 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2135, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2161: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2280, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2280 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2372, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO NOT PASS (13 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2372 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SCR 4013: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO PASS (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SCR 4062: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS,

4 NAYS, 0 ABSENT AND NOT VOTING). SCR 4062 was placed on the Tenth order on the calendar.

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

ROY GILBREATH, Chief Clerk