

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, March 6, 1997

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

The prayer was offered by the Rev. James Vineyard, American Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Dorso, Glassheim, and Sveen.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

The following communication was received from the Governor at 10:50 a.m., March 6, 1997:

This is to inform you that on March 5, 1997, I signed the following: HB 1088, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, and HB 1239.

Also, on March 6, 1997, I signed the following: HB 1121 and HB 1298.

**HOUSE ENROLLING REPORT**

The following bills and resolution were enrolled: HB 1057, HB 1073, HB 1110, HB 1235, HB 1280, HB 1288, HB 1309, HB 1341, HB 1390, HB 1420, HB 1421, HB 1451, and HCR 3002.

**SIXTH ORDER OF BUSINESS**

**REP. FREIER MOVED** that the amendments on the Sixth order of business to SB 2106, Engrossed SB 2185, and SB 2215 be adopted, which motion prevailed.

SB 2106, Engrossed SB 2185, and SB 2215, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**HCR 3021, as engrossed: REP. KRETSCHMAR (Judiciary Committee) MOVED** that the amendments on HJ page 799 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**MOTION**

**REP. FREIER MOVED** that Engrossed HCR 3021, as amended, be placed at the top of the calendar, which motion prevailed.

**HOUSE ENGROSSING REPORT**

The following resolution was engrossed: HCR 3021.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3021:** A concurrent resolution to create and enact a new article IX of the Constitution of North Dakota, relating to school and institutional trust funds and the sale of school or institutional lands; to repeal sections 1, 4, 5, 6, 7, 8, 9, 10, and 11 of article IX of the Constitution of North Dakota, relating to trust lands; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Byerly; Kretschmar; Maragos; Monson; Tollefson

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Murphy; Nelson; Nicholas;

Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

Engrossed HCR 3021, as amended, was declared lost on a roll call vote.

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### SECOND READING OF SENATE BILL

**SB 2129:** A BILL for an Act to amend and reenact subsection 2 of section 6-06-08 and sections 6-06-15 and 6-06-19 of the North Dakota Century Code, relating to credit union examinations, credit union supervisory committee audits, and borrowing of money by credit unions.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen; Wentz

SB 2129 passed and the title was agreed to.

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### MOTION

**REP. BELTER MOVED** that the House reconsider its action whereby Engrossed SB 2070 passed, which motion prevailed.

### MOTION

**REP. BELTER MOVED** that Engrossed SB 2070 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, Engrossed SB 2070 was rereferred.

### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to the power of a state-chartered bank to pledge securities for the repayment of deposits by federally recognized Indian tribes.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen; Wentz

SB 2146 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2169:** A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to immunity of credit union volunteers.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Keiser; Murphy

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

SB 2169 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2179:** A BILL for an Act to amend and reenact section 47-14-05 of the North Dakota Century Code, relating to late payment penalties.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Boucher; Brandenburg; Brown; Callahan; Carlson; Dalrymple; Fairfield; Gullerson; Huether; Lloyd; Mahoney; Murphy; Nichols; Oban; Olson; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

SB 2179 passed and the title was agreed to.

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### MOTION

**REP. FREIER MOVED** that the House waive the reading of the title to Engrossed SB 2191, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2191:** A BILL for an Act to amend and reenact subsection 3 of section 57-02-08.3, sections 57-38-49, 57-38-50, subsections 3, 4, 5, and 6 of section 57-39.2-13, subsections 3, 4, 5, and 6 of section 57-40.2-16, subsections 2, 3, and 4 of section 57-40.3-07.1, subsections 3, 4, and 6 of section 57-43.1-17.4, and subsections 3, 4, and 6 of section 57-43.2-16.3 of the North Dakota Century Code, relating to filing of tax liens; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

Engrossed SB 2191 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2280:** A BILL for an Act to amend and reenact section 14-09-09.18 of the North Dakota Century Code, relating to child support income withholding orders.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

SB 2280 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2286:** A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to assistive technology device warranties; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark;

Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

Engrossed SB 2286 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2307:** A BILL for an Act to create and enact a new section to chapter 50-22 of the North Dakota Century Code, relating to licensing of charitable organizations.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Murphy

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Sveen

SB 2307 passed and the title was agreed to.

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### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4021:** A concurrent resolution directing the Legislative Council to study participation in the teachers' fund for retirement by retired persons who have resumed teaching.

### ROLL CALL

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

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

**NAYS:** Carlson; Delzer; Grosz; Monson; Olson

**ABSENT AND NOT VOTING:** Bernstein; Dorso; Glassheim; Sveen

SCR 4021 was declared adopted on a roll call vote.

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### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4029:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to dedication and distribution of a portion of sales, use, and motor vehicle excise tax revenues to political subdivisions for state revenue sharing and personal property tax replacement; and to provide an effective date.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 62 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Grumbo; Gulleeson; Hanson; Huether; Jensen; Kelsh, S.; Kerzman; Kretschmar; Kroepflin; Lloyd; Mahoney; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Stenehjem; Thorpe; Warner; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kunkel; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Johnson, D.; Sveen

Engrossed SCR 4029 was declared lost on a roll call vote.

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### SECOND READING OF SENATE BILL

**SB 2067:** A BILL for an Act to amend and reenact section 58-02-31 of the North Dakota Century Code, relating to the duty of county auditors upon dissolution of townships.

### 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 86 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Delmore; Nelson; Nichols; Niemeier

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Grosz; Johnson, D.; Koppelman; Sveen

Engrossed SB 2067 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2095:** A BILL for an Act to amend and reenact section 15-38-19 of the North Dakota Century Code, relating to complaints against teachers and school administrators.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Grosz

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Johnson, D.; Sveen

SB 2095 passed and the title was agreed to.

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**MOTION**

**REP. FREIER MOVED** that the House waive the reading of the titles to SB 2098 and Engrossed SB 2127, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2098:** A BILL for an Act to create and enact chapter 41-05 and a new subsection to section 41-09-04 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 5 pertaining to letters of credit; to amend and reenact subsection 2 of section 41-01-05, subsection 1 of section 41-02-60, subsection 1 of section 41-09-03, subsection 3 of section 41-09-05, section 41-09-06, and section 41-09-25 of the North Dakota Century Code, relating to adoption of the revised article 5; and to repeal the present chapter 41-05 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 5 pertaining to letters of credit.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Johnson, D.; Sveen

SB 2098 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2127:** A BILL for an Act to amend and reenact sections 12-44.1-01, 12-44.1-02, 12-44.1-03, 12-4.1-04, 12-44.1-05, 12-44.1-06, 12-44.1-06.1, 12-44.1-07, 12-44.1-08, 12-44.1-09, 12-44.1-10, 12-44.1-11, 12-44.1-12, 12-44.1-13, 12-44.1-14, 12-44.1-15, 12-44.1-17, 12-44.1-18, 12-44.1-18.1, 12-44.1-18.2, 12-44.1-19, 12-44.1-20, 12-44.1-21, 12-44.1-22, 12-44.1-24, 12-44.1-25, 12-44.1-26, and 12-44.1-27, relating to correctional facilities; and to repeal sections 12-44.1-16 and 12-44.1-23, relating to jails and regional corrections centers; and to provide a penalty.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Johnson, D.; Sveen

Engrossed SB 2127 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2135:** A BILL for an Act to create and enact a new section to chapter 13-05 of the North Dakota Century Code, relating to removal from office of collection agency officers or employees by the department of banking and financial institutions.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Johnson, D.; Sveen

Engrossed SB 2135 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2142:** A BILL for an Act to amend and reenact sections 41-09-05, 41-09-25, and 41-09-26 of the North Dakota Century Code, relating to definition of certificate of deposit, perfection of security interests by filing, and perfection of security interests in certificates of deposit by possession.

**ROLL CALL**

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

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

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

**ABSENT AND NOT VOTING:** Boucher; Dorso; Glassheim; Johnson, D.; Sveen

Engrossed SB 2142 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2148:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 27-20-36 of the North Dakota Century Code, relating to time limitations on court orders for children in foster care.

#### 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 86 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** DeKrey; Delzer; Mahoney; Murphy; Sabby; Skarphol

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Johnson, D.; Mickelson; Sveen

Engrossed SB 2148 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2167:** A BILL for an Act to create and enact section 14-09-06.6 of the North Dakota Century Code, relating to motions for postjudgment custody modification.

#### 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 52 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Berg; Bernstein; Boucher; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Fairfield; Freier; Galvin; Grande; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Nicholas; Nottestad; Oban; Olson; Poolman; Rose; Sabby; Skarphol; Stenehjem; Svedjan; Thoreson; Torgerson; Wardner; Wentz

**NAYS:** Aarsvold; Belter; Boehm; Brandenburg; Brown; Brusegaard; Dalrymple; Delzer; Devlin; Drovdal; Froseth; Gerntholz; Gorder; Grosz; Gulleson; Johnsen, C.; Kempenich; Kerzman; Kilzer; Kroepelin; Lloyd; Mahoney; Monson; Murphy; Nelson; Nichols; Niemeier; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Soukup; Thompson; Thorpe; Tollefson; Wald; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Dorso; Glassheim; Johnson, D.; Sveen

Engrossed SB 2167 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2168:** A BILL for an Act to create and enact a new subsection to section 12.1-20-09 of the North Dakota Century Code, relating to testimony in divorce proceedings.

**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 72 YEAS, 19 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Berg; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Drovdal; Froseth; Galvin; Gerntholz; Gorder; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Belter; Bernstein; Boehm; Brusegaard; Carlson; Clark; Devlin; Fairfield; Freier; Grande; Grosz; Kliniske; Koppelman; Lloyd; Poolman; Renner; Rennerfeldt; Wald; Weisz

**ABSENT AND NOT VOTING:** Delzer; Dorso; Glassheim; Johnson, D.; Nicholas; Sveen

Engrossed SB 2168 passed and the title was agreed to.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2073, SB 2110, SB 2125, SB 2143, SCR 4008.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2091, SB 2112.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2213, SB 2279.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:46 p.m., March 6, 1997: HCR 3014.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 2:46 p.m., March 6, 1997: HB 1005, HB 1056, HB 1094, HB 1102, HB 1118, HB 1133, HB 1144, HB 1247.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1049, HB 1276, HB 1336, HB 1392.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1441.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1149.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 1:00 p.m., Friday, March 7, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2032, as engrossed:** Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2032 was placed on the Sixth order on the calendar.

Page 1, line 4, after "to" insert "required approval for school district construction projects and"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 15-35-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-35-01.1. Approval required for certain school district construction projects.**

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars may not be commenced unless approved by the superintendent of public instruction. No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need, the educational utility of the project, fiscal need, and the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, the school board may appeal the application to the state board of public school education and the decision of the state board approving or disapproving the application is final.
2. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.
3. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 2 of this Act.

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2033, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2033 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "a" with "an academic"

Page 1, line 8, replace "national accreditation" with "regional accrediting" and after "organization" insert "or a vocational course offered by a postsecondary institution in a program accredited by a national or regional accrediting organization"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2072, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2072 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "57-40.3-05.1" with "57-40.3-05"

Page 1, line 6, remove "and" and after "57-37.1-14" insert ", and 57-40.3-05.1"

Page 1, line 8, remove "and" and after "depository" insert ", and the requirement of a seller's certificate under the motor vehicle excise tax"

Page 2, replace lines 6 through 20 with:

**"SECTION 3. AMENDMENT.** Section 57-40.3-05 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-05. Purchaser to furnish motor vehicle purchaser's certificate to director of the department of transportation.** Any person purchasing a motor vehicle and any person acquiring a motor vehicle by way of gift from a husband or wife, parent or child, or from a brother or sister shall complete a motor vehicle purchaser's certificate in such form and manner as may be prescribed by the director of the department of transportation, showing a complete description of the motor vehicle, the seller's name and address, the buyer's name and address, the full purchase price of the vehicle, trade-in allowance and description of the trade-in, if any, whether the vehicle was the subject of a gift, and any other information that the director of the department of transportation may require. ~~If the motor vehicle was the subject of a sale, the purchaser must, upon request of the department of transportation, also attach to the motor vehicle purchaser's certificate a copy of the seller's certificate required under section 57-40.3-05.1."~~

Page 2, line 22, replace "section" with "sections" and after "57-37.1-12" insert "and 57-40.3-05.1"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2089: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2089 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "and the workers compensation bureau"

Page 1, line 8, after the underscored comma insert "the workers compensation bureau,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2105: Natural Resources Committee (Rep. Olson, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2105 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2109, as engrossed: Transportation Committee (Rep. Skarphol, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2109 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2116, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2116 was placed on the Sixth order on the calendar.

Page 3, line 13, remove "The scholarship fund may not be funded during any period when the annual"

Page 3, remove line 14

Page 3, line 15, remove "fund deficit and the policyholders experience a premium rate increase."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2117: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2117 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "sections" and after "6-03-13.5" insert ", 7-01-07, 7-02-11.1, and 7-02-14"

Page 1, line 5, after "bank" insert ", federal deposit insurance, and powers granted to state-chartered associations"

Page 2, after line 2, insert:

**"SECTION 2. AMENDMENT.** Section 7-01-07 of the North Dakota Century Code is amended and reenacted as follows:

**7-01-07. Certificate of state banking board required - Examination by board - Review by court - Federal ~~savings and loan~~ deposit insurance required.** ~~Whenever~~ If the articles of incorporation of a proposed association are in due form and regularly executed and the bylaws have been approved as required by this chapter, the state banking board shall ascertain the responsibility, character, and general fitness of the incorporators, ~~and whether or not~~ there is a reasonable need for the existence of ~~such an~~ the association, and whether ~~or not~~ the public convenience and advantage will be promoted thereby. If the banking board is not satisfied with the result of its investigation, within sixty days after ~~said~~ the articles of incorporation and bylaws have been presented to ~~the board,~~ ~~the board~~ shall endorse upon each copy of the articles of incorporation the word "refused", with the date of ~~such the~~ endorsement, and the reason for ~~such the~~ refusal, ~~and~~. The board shall return ~~forthwith~~ one copy of ~~such the~~ articles of incorporation to the proposed incorporators from whom the ~~same was~~ articles were received, and such. The refusal is conclusive unless the incorporators, within thirty days after the issuance of ~~such the~~ notice of refusal, apply to the district court of Burleigh County, North Dakota, for a writ of mandamus to compel the filing of ~~such the~~ articles of incorporation and granting of a certificate to do business. A savings and loan association shall, after July 1, 1979, secure federal ~~savings and loan~~ insurance corporation deposit insurance with an agency or instrumentality of the United States of America of accounts before it is authorized to commence business. Evidence of securing ~~such that~~ insurance must be furnished to the commissioner before the certificate of authority ~~may be~~ is delivered to the savings and loan association."

Page 3, after line 2, insert:

**"SECTION 5. AMENDMENT.** Section 7-02-11.1 of the North Dakota Century Code is amended and reenacted as follows:

**7-02-11.1. Operation without federal ~~savings and loan~~ account deposit insurance prohibited - Liability - Penalty.** No state savings and loan association may, after December 31, 1979, engage in the savings and loan business without securing and continuing in force ~~federal savings and loan insurance corporation~~ insurance of accounts with an agency or instrumentality of the United States of America. Any officer or director of any state savings and loan association who violates this section is guilty of a class A misdemeanor and is personally liable to any person aggrieved for any damages caused by the violation.

**SECTION 6. AMENDMENT.** Section 7-02-14 of the North Dakota Century Code is amended and reenacted as follows:

**7-02-14. Powers granted federally chartered ~~savings and loan~~ associations extended to state-chartered associations.** Any provision of law to the contrary notwithstanding, any state-chartered savings and loan association having insurance of accounts with ~~the federal savings and loan insurance corporation~~ an agency or instrumentality of the United States of America may, in addition to any loan, investment, ~~or~~ account, or activity now permitted, make any loan, investment, or account ~~which such~~ that the association could make or offer ~~were it incorporated and operating as,~~ or engage in any activity authorized for a federal savings and loan association with its domicile in this state. To the extent that the additional loans, investments, ~~or~~ accounts, or activities hereby authorized, are an enlargement of powers already granted by law, ~~then such~~ the additional loans, investments, ~~and~~ accounts, and activities must be ~~made~~ on the same terms and conditions and subject to the same limitations as are now permitted or as may hereafter be permitted in case of federally chartered savings and loan associations under presently existing, or later adopted regulations of the ~~federal home loan bank board and the rules and regulations for the federal savings and loan system, or otherwise~~ applicable federal regulatory agency. Any authority that is subject to discretionary approval by the federal regulatory agency is subject to discretionary approval by the state banking board."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**  
**SB 2118, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)**  
 recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2118 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "section", after the second comma insert "if Senate Bill No. 2287 of the fifty-fifth legislative assembly does not become effective, section", and after the third comma insert "and"

Page 1, line 4, remove the first comma

Page 2, line 27, replace "Section" with "If Senate Bill No. 2287 of the fifty-fifth legislative assembly does not become effective, section"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2120: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 25-06 of the North Dakota Century Code, relating to the superintendent of the school for the blind serving as the superintendent of the school for the deaf; to"

Page 1, line 3, replace "sections" with "section" and remove "and 25-07-02"

Page 1, line 4, remove "and the superintendent of the school for the deaf"

Page 1, line 5, remove "serving as the superintendent of the school for the blind"

Page 1, after line 14, insert:

**"SECTION 2.** A new section to chapter 25-06 of the North Dakota Century Code is created and enacted as follows:

**Superintendent - Special duties.** The superintendent of the school for the blind may also be the superintendent of the school for the deaf."

Page 2, line 1, replace "Sections" with "Section" and remove "and 25-07-02"

Page 2, line 2, replace "are" with "is"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2134: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2134 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2137, as engrossed: Natural Resources Committee (Rep. Olson, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2137 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2151, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2151 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2157, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2157 was placed on the Sixth order on the calendar.

Page 2, line 29, overstrike the first "with" and insert immediately thereafter "by"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2158: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2158 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2165: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2165 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2176: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2187, as engrossed: Transportation Committee (Rep. Skarphol, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2187 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2220, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2220 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2269, as engrossed: Transportation Committee (Rep. Skarphol, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2269 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2272, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 41-09-46 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove the second "and" and after "35-31-06" insert ", and subsection 1 of section 41-09-43"

Page 1, line 14, replace "fifty" with "one hundred"

Page 1, line 22, replace "fifty" with "one hundred"

Page 2, line 6, replace "fifty" with "one hundred"

Page 2, replace lines 7 through 12 with:

**"SECTION 4. AMENDMENT.** Subsection 1 of section 41-09-43 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If a financing statement covering consumer goods is filed on or after January 1, 1974, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases where there is no outstanding secured obligation and no written commitment between the secured party and the debtor to make advances, incur obligations, or otherwise give value, the secured party, unless requested by the debtor in writing to continue the filing, must send to ~~the debtor on written demand by the debtor,~~ for each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing

statement nor under the central notice system, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection 2 of section 41-09-44, including payment of the required fee, if any. If the affected secured party fails to file a termination statement as required by this subsection, ~~or to send a termination statement within ten days after proper demand,~~ within sixty days of when the secured obligation is fully satisfied, and the debtor has not requested in writing that the filing be continued, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure. If the affected secured party fails to file a termination statement within ten days after proper written demand by the debtor, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2287, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2287 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2288: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2288 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2331, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2331 was placed on the Sixth order on the calendar.

Page 11, line 20, after "57-35.3-12" insert ", including related interest,"

Page 11, line 29, after "57-38-35.1" insert ", 57-38-35.2"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2343, as reengrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2343 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions are related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage;"

Page 1, line 3, after "coverage" insert "; and to provide an effective date"

Page 3, after line 9, insert:

**"SECTION 2.** A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

**Presumption of compensability for certain conditions of full-time paid firefighters and law enforcement officers.** Any condition or impairment of health of a full-time paid firefighter or law enforcement officer caused by lung or respiratory disease as defined by sections 23-07.3-01 and 23-07.3-02, or occupational cancer in a full-time paid firefighter, resulting in total or partial disability or death is presumed to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence. As used in this section, an occupational cancer is one which arises out of employment as a full-time paid firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid firefighter. A full-time paid firefighter or law enforcement officer is not eligible for the benefit provided

under this section unless that full-time paid firefighter or law enforcement officer has completed five years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition. An employer shall require a medical examination upon employment, for any employee subject to this section. After the initial medical examination, an employer shall require at least a periodic medical examination as follows: for one to ten years of service, every five years; for eleven to twenty years of service, every three years; and for twenty-one or more years of service, every year. The periodic medical examination, at a minimum, must consist of a general medical history of the individual and the individual's family; an occupational history including contact with and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards; a physical examination including measurement of height, weight, and blood pressure; and laboratory and diagnostic procedures including a nonfasting total blood cholesterol test and papanicolaou smear for women. If the medical examination reveals that an employee falls into a recognized risk group, the employee must be referred to a qualified health professional for future medical examination. This section does not affect an employee's responsibility to document that the employee has not used tobacco as required under section 65-01-15. Results of the examination must be used in rebuttal to a presumption afforded under this section. For purposes of this section, "law enforcement officer" means a person who is licensed to perform peace officer law enforcement duties under chapter 12-63 and is employed full time by the bureau of criminal investigation, the game and fish department, the state highway patrol, the parole and probation division, the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, a county sheriff's department, or a city police department. The presumption does not include a condition or impairment of health of a full-time paid firefighter or law enforcement officer, who has been employed for ten years or less, if the condition or impairment is diagnosed more than two years after the employment as a full-time paid firefighter or law enforcement officer ends. The presumption also does not include a condition or impairment of health of a full-time paid firefighter or law enforcement officer, who has been employed more than ten years, if the condition or impairment is diagnosed more than five years after the employment as a full-time paid firefighter or law enforcement officer ends.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective if House Bill No. 1269 is not approved by the fifty-fifth legislative assembly. Section 2 of this Act becomes effective if House Bill No. 1269 is approved by the fifty-fifth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2349: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2371: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2371 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2373, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2373 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4016, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4016 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "is willing to match, dollar for dollar," with "has matched" and after "funds" insert "in the past;"

Page 1, remove line 17

Renumber accordingly

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

**ROY GILBREATH, Chief Clerk**