

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, March 13, 1997

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

The prayer was offered by Representative Grande.

The roll was called and all members were present except Representatives Bernstein, Brandenburg, DeKrey, Delmore, Glassheim, Kretschmar, and Maragos.

A quorum was declared by the Speaker.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1033, HB 1069, HB 1119, and HB 1143.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1095, HB 1172, HB 1177, HB 1181, and HB 1196.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Reengrossed SB 2042, Engrossed SB 2068, Engrossed SB 2099, Engrossed SB 2159, SB 2235, SB 2339, and SB 2372 be adopted, which motion prevailed.

Reengrossed SB 2042, Engrossed SB 2068, Engrossed SB 2099, Engrossed SB 2159, SB 2235, SB 2339, and SB 2372, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to prohibit governmental discrimination in contracts and programs.

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 54 YEAS, 37 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Boucher; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Dalrymple; Delzer; Devlin; Drovdal; Freier; Galvin; Gorder; Grande; Grosz; Gullerson; Gunter; Henegar; Jacobs; Johnsen, C.; Kelsh, S.; Kempenich; Kerzman; Kitzer; Klein; Kliniske; Koppelman; Kroepelin; Kunkel; Mahoney; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Olson; Poolman; Renner; Rennerfeldt; Sandvig; Skarphol; Thompson; Thorpe; Torgerson; Wald; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Aarsvold; Berg; Boehm; Brown; Christenson; Christopherson; Clark; Coats; Dorso; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Hanson; Hausauer; Hawken; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Lloyd; Mickelson; Nottestad; Oban; Price; Rose; Sabby; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Wardner

ABSENT AND NOT VOTING: Bernstein; Brandenburg; DeKrey; Delmore; Kretschmar; Maragos

Engrossed SB 2181 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to create and enact section 1-03-12 of the North Dakota Century Code, relating to the designation of Four Chaplains Sunday.

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 56 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Callahan; Carlisle; Christenson; Coats; Delmore; Fairfield; Galvin; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Murphy; Nicholas; Nichols; Nottestad; Oban; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Gerntholz; Glassheim; Grande; Jacobs; Keiser; Kempenich; Kilzer; Klein; Kliniske; Lloyd; Mickelson; Nelson; Olson; Poolman; Price; Sabby; Skarphol; Svedjan; Wald; Weisz

ABSENT AND NOT VOTING: Bernstein; Brandenburg; Niemeier

SB 2365 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

ROLL CALL

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

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg; Fairfield; Niemeier

SB 2006 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of 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 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg

SB 2008 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to amend and reenact section 15-40.1-18 of the North Dakota Century Code, relating to state transportation 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 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed SB 2031 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact section 27-25-04 of the North Dakota Century Code, relating to appointments to fill vacancies in judicial offices.

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, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Carlson; Clark; Delzer; Grande; Poolman

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed SB 2062 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact sections 12-47-01, 12-47-02, 12-47-18.1, 12-47-34, 12-47-36, 12-48-15, and subsection 2 of section 29-27-07 of the North Dakota Century Code, relating to penitentiary facilities and to inmate transfers, escapes, records, and moneys; and to repeal section 32-22-36 of the North Dakota Century Code, relating to writs for transfer of prisoners.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boucher; Oban; Rose

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Reengrossed SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2124: A BILL for an Act to provide for the creation of the dry pea and lentil council; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; 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; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Clark; Delzer; Mickelson; Thorpe

ABSENT AND NOT VOTING: Bernstein; Brandenburg

SB 2124 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to amend and reenact sections 19-14-02, 19-14-04, 19-18-04, and 19-20.1-03.1 of the North Dakota Century Code, relating to livestock medicine registrations and registration fees, pesticide registrations, and fertilizer distributors' licenses; 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; 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; Kroeplin; 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; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Murphy

ABSENT AND NOT VOTING: Bernstein; Brandenburg

SB 2131 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact sections 57-39.2-03.2 and 57-40.2-03.2 of the North Dakota Century Code, relating to the rate of sales and use taxes on sales, storage, use, or consumption of alcoholic beverages; 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 NOT PASS, the roll was called and there were 20 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Callahan; Carlisle; Coats; Drovdal; Freier; Grosz; Gunter; Hausauer; Jacobs; Johnsen, C.; Kelsh, S.; Kerzman; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Nicholas; Tollefson; Wald

NAYS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleon; Hanson; Hawken; Henegar; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Mahoney; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed SB 2242 was declared lost.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax determination under the simplified optional method of computing tax; 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 NOT PASS, the roll was called and there were 23 YEAS, 72 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Callahan; Carlson; Christenson; Clark; Coats; DeKrey; Delmore; Glassheim; Grumbo; Gulleon; Kelsh, S.; Kerzman; Maragos; Niemeier; Nottestad; Oban; Rose; Sandvig; Thorpe; Warner; Wentz

NAYS: Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Carlisle; Christopherson; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed SB 2246 was declared lost.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Engrossed SB 2265 and Engrossed SB 2336, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new subsection to section 61-07-03 and two new sections to chapter 61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds; to amend and reenact sections 61-07-07, 61-07-08, 61-08-01, 61-08-06, 61-08-07, 61-08-09, 61-08-12, 61-08-13, 61-08-14, 61-08-22, 61-08-23, 61-08-25, 61-08-26, 61-08-27, 61-08-28, 61-08-29, 61-08-34, 61-08-35, 61-08-39, 61-09-13, and 61-09-14 of the North Dakota Century Code, relating to powers and bonds of irrigation districts; and to repeal sections 61-08-10, 61-08-11, 61-08-16, 61-08-17, 61-08-18, 61-08-19, 61-08-20, 61-08-21, 61-08-33, 61-08-36, 61-08-37, and 61-08-38 of the North Dakota Century Code, relating to registration of bonds, cancellation of bonds, issuance of warrants, and terms of refunding bonds.

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 81 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Byerly; Carlson; Delzer; Froseth; Grande; Grosz; Mickelson; Murphy; Skarphol; Sveen; Wald; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg; Dorso

Engrossed SB 2265 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to provide for the expiration of certain rules adopted by the superintendent of public instruction; and to amend and reenact sections 15-21-04.1, 15-21-07, 15-21-07.1, 15-21-07.2, 15-21.1-03, 15-21.1-04, 15-45-03, and subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to rulemaking by the superintendent of public instruction.

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 70 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Callahan; Christenson; Coats; Delmore; Fairfield; Glassheim; Gulleon; Hanson; Huether; Kelsh, S.; Kerzman; Kroeplin; Mahoney; Murphy; Nichols; Niemeier; Oban; Rose; Thompson; Thoreson; Thorpe; Warner; Wilkie

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed SB 2336 passed and the title was agreed to.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR**

- SCR 4002:** A concurrent resolution directing the Legislative Council to study those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.
- SCR 4025:** A concurrent resolution directing the Legislative Council to study the effects of sexual abuse on child victims, strategies to assist child victims and the parents of child victims, the use and effectiveness of the mandatory reporting law, effective deterrents, and the need for training of professionals, public awareness initiatives, and training of school personnel in the recognition of victims and in prevention activities.
- SCR 4030:** A concurrent resolution directing the Legislative Council to study the issues of welfare reform as they relate to the relationship between the state and the federally recognized Indian tribes within the state.
- SCR 4037:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of licensing high pressure boiler operators, including which state agency would manage a state licensing process, the fees necessary to fund a licensing program, whether adequate training opportunities exist to support licensing, and whether any other state has a boiler licensing program with which this state could join.
- SCR 4038:** A concurrent resolution directing the Legislative Council to study the effectiveness of and methods to improve advocacy programs administered by the Department of Human Services and the feasibility and desirability of merging those advocacy programs, including the vulnerable adult protective services program, into the protection and advocacy program.
- SCR 4052:** A concurrent resolution directing the Legislative Council to study occupational and professional licensing entities with an emphasis on methods to privatize licensing entities.
- SCR 4054:** A concurrent resolution directing the Legislative Council to study whether the Department of Human Services should reimburse qualified service providers who provide assistive technology devices and services to individuals with disabilities.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; 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; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Brandenburg

SCR 4002, Engrossed SCR 4025, Engrossed SCR 4030, Engrossed SCR 4037, Engrossed SCR 4038, SCR 4052, and SCR 4054 were declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1160 as printed on HJ page 857, which motion prevailed.

Engrossed HB 1160, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to create and enact three new sections to chapter 43-47 of the North Dakota Century Code, relating to the authority of the board of counselor examiners to appoint or employ persons, payment of delinquent license fees, and unauthorized practice of counseling; to amend and reenact sections 43-47-01, 43-47-03, 43-47-06, and 43-47-08 of the North Dakota Century Code, relating to definitions, duties, responsibilities, license qualifications, and complaints and investigations applicable to the board of counselor examiners; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Brown; Brusegaard; Byerly; Callahan; Carlson; Christopherson; Clark; Coats; Dalrymple; Delmore; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Speaker Timm

NAYS: Boucher; Carlisle; Christenson; DeKrey; Delzer; Devlin; Fairfield; Gulleson; Hanson; Kelsh, S.; Kliniske; Niemeier; Poolman; Sandvig; Warner; Weisz; Wentz; Wilkie

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed HB 1160, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to HB 1169 as printed on HJ page 858, which motion prevailed.

HB 1169, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act relating to American sign language as an elective at the high school level.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Boucher; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delzer; Dorso; Fairfield; Freier; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Poolman; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Speaker Timm

NAYS: Boehm; Brown; Brusegaard; DeKrey; Delmore; Devlin; Drovdal; Froseth; Glassheim; Grosz; Henegar; Huether; Johnsen, C.; Kempenich; Kliniske; Nichols; Niemeier; Nottestad; Oban; Price; Rose; Svedjan; Thoreson; Weisz; Wilkie

ABSENT AND NOT VOTING: Bernstein; Brandenburg

Engrossed HB 1169, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1428 as printed on HJ page 860, which motion prevailed.

Engrossed HB 1428, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to coverage for off-label uses of drugs.

ROLL CALL

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

YEAS: Aarsvold; Axtman; Belter; Berg; Boehm; Boucher; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; 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; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Poolman

ABSENT AND NOT VOTING: Bernstein; Brandenburg; Niemeier

Engrossed HB 1428, as amended, passed and the title was agreed to.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Friday, March 14, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2023: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 4, after "sections" insert "52-02.1-05," and after "54-14-01.1" insert a comma

Page 1, line 5, after the first comma insert "and" and remove ", and section 5 of"

Page 1, line 6, remove "chapter 493 of the 1993 Sessions Laws"

Page 3, line 5, after the first comma insert "section 52-02.1-05 of the 1995 Supplement to the North Dakota Century Code," and after the second comma insert "and"

Page 3, line 6, remove ", and section 5 of chapter 493 of the 1993 Session Laws"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment removes a reference to the 1993 Session Laws and replaces it with a reference to the North Dakota Century Code, to correctly reflect the section of law relating to reports to the Budget Section on the new jobs training program.

REPORT OF STANDING COMMITTEE

SB 2028, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2028 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "sections" with "section" and remove the second comma

Page 1, line 3, remove "23-01-24,"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 and 2

Page 3, line 27, after the underscored period insert "Develop and implement a plan for the prevention of behaviors causing fetal alcohol syndrome and fetal alcohol effect;

2."

Page 3, line 28, replace "2" with "3"

Page 3, line 29, replace "3" with "4"

Page 4, line 1, replace "4" with "5"

Page 4, line 6, replace "5" with "6"

Page 4, line 9, replace "6" with "7"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2029, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2029 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2051, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2071: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2071 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 1-08 and"

Page 1, line 2, after "verifying" insert "documents and"

Page 1, line 3, after the semicolon insert "and", after the second comma insert "subsection 3 of section", and after the third comma insert "sections"

Page 1, after line 7, insert:

"SECTION 1. A new section to chapter 1-08 of the North Dakota Century Code is created and enacted as follows:

Alternative methods of signing, subscribing, or verifying documents filed by electronic means. A state agency, as defined in section 32-12.1-02, charged by law with the duty of receiving signed, subscribed, or verified documents may accept such documents filed by electronic means, including telecommunications. The secretary of state shall adopt rules in the manner provided in chapter 28-32 to govern methods for signing, subscribing, or verifying documents filed by electronic means, except documents filed with the tax commissioner. A signature on a document filed by electronic means which is accepted by the state agency and complies with the rules of the secretary of state has the same validity and consequence as the actual signature and written declaration for a paper document."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2083: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). SB 2083 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the second "state"

Page 1, line 8, remove "engineer, state geologist,"

Page 1, line 9, remove "administrative officer of the state soil conservation committee,"

Page 1, line 10, after the comma insert "and"

Page 1, line 11, remove "and one member of the legislative assembly,"

Page 2, line 10, remove "member of the legislative assembly who is a member of the advisory"

Page 2, remove line 11

Page 2, line 12, remove "provided for in section 54-35-10 and the other"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment removes the State Engineer, the State Geologist, the Soil Conservation Committee officer, and the legislator from the advisory board for the pesticide container disposal program.

REPORT OF STANDING COMMITTEE

SB 2088, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "There is hereby" with "Funds in"

Page 1, line 12, remove "appropriated from" and replace "nine hundred fifty thousand" with "are hereby appropriated on a continuing basis and may be spent by"

Page 1, line 13, remove "dollars or so much of the amount as may be necessary, per biennium, to"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the provision limiting expenditures relating to the continuing appropriation from the state purchasing fund to \$950,000 per biennium and, as a result, provides an open-ended appropriation from this fund.

REPORT OF STANDING COMMITTEE

SB 2094: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 7, after the boldfaced period insert:

"1."

Page 1, line 15, after the period insert "The superintendent of public instruction shall adopt rules under chapter 28-32 establishing the minimum qualifications for mediators under this section. Only a person qualified as a mediator under the rules of the superintendent of public instruction may serve as a mediator under this section."

Page 1, line 16, replace "parents" with "any party's"

Page 1, after line 19, insert:

"2."

Page 1, line 21, replace "1" with "a", replace "All" with "Documents prepared during mediation and", and replace "confidential" with "exempt from sections 44-04-18 and 44-04-19"

Page 1, line 22, replace "2" with "b" and replace "A" with "Except as provided in subdivision d, a"

Page 1, line 24, after "action" insert ", unless the statement or admission relates to a crime, civil fraud, or a violation of the uniform juvenile court act under chapter 27-29, or if all persons who conducted or otherwise participated in the mediation consent to disclosure"

Page 2, line 1, replace "3" with "c"

Page 2, line 4, replace "4" with "d" and replace "otherwise admissible" with "in existence"

Page 2, line 6, replace "5" with "e"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2128, 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 2128 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "The parole board may not" with "Applications for parole must be reviewed in accordance with the rules adopted by the parole board."

Page 2, remove lines 16 and 17

Page 5, line 8, replace "may" with "must"

Page 5, line 9, remove "not", replace "the parole" with "a disinterested hearing", and after "officer" insert "not"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2141: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2141 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 3, line 1, replace "if the home" with an underscored period

Page 3, remove lines 2 and 3

Page 3, after line 6, insert:

"8. An agency that takes fingerprints as provided under this section may charge a reasonable fee to offset the costs of the fingerprinting."

Page 3, remove lines 7 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2175 was placed on the Sixth order on the calendar.

Page 5, line 21, overstrike "forty" and insert immediately thereafter "sixty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2182: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (12 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING). SB 2182 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2206, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2206 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "**hearing**" with "**meeting**"

Page 2, line 2, replace "hearing" with "meeting"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2217: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2225, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2225 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2232, as reengrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2232 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2248, as engrossed: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2248 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2250: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2250 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2259, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2259 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260, as reengrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 17, after the underscored period insert "If the state engineer determines that an object covered by flood insurance is imminently likely to be a menace to life or property or public health or safety, the date specified in the order for action to be taken may not precede the date on which the person is eligible to receive flood insurance proceeds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2261, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2261 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2262, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2262 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2266, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2266 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2308 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2318, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2318 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "Qualifying" with "Qualified treatment"

Page 1, line 14, remove "education,"

Page 1, line 20, remove "education,"

Page 1, line 22, replace "a qualifying service provider" with "qualified treatment service providers"

Page 2, line 3, remove "and educational"

Page 2, line 4, remove "Educational services may include expanding the state's"

Page 2, remove line 5

Page 2, line 6, remove "engaged in counseling, treating, and rehabilitating compulsive gamblers."

Page 2, line 7, remove "complete at least sixty hours of a nationally accredited"

Page 2, remove line 8

Page 2, line 9, replace "gamblers," with "meet the minimum standards for certification as a gambling counselor as established by the national council on problem gambling"

Page 2, line 14, replace "a qualifying service provider" with "qualified treatment service providers"

Page 2, line 30, after "amount" insert ", but not more than a total of seven hundred fifty thousand dollars for the eight quarters of a biennium,"

Page 3, after line 7, insert:

- "4. If one million five hundred thousand dollars has been transferred or paid as provided by subsections 2 and 3 for a biennium, the amount must be deposited in the state treasury."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the first "a" with "one" and replace "can" with "must"

Page 1, line 9, replace "also be entered in" with "gain protection under"

Page 1, line 24, after "e." insert:

"The social security number, if available, or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number, if available, of the person for whom the labor was performed or to whom the materials were furnished.

- f. The name and address of the person claiming the lien.

g."

Page 2, after line 4, insert:

- "3. A lienholder may file an amendment to add or correct the social security number or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the lienholder. The secretary of state shall prescribe a form that may be used to amend the repairman's lien that has been filed pursuant to this section. The amendment of the lien does not affect the priority of the lien."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2327, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2327 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352, as reengrossed: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2352 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2353, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2353 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "fifty" with "forty"

Page 2, line 10, replace "twenty" with "three"

Page 2, line 12, replace "The" with "In a county in which state radio communications is the 911 service provider, the"

Page 2, line 14, replace "operating fund" with "911 provider equipment account" and after the underscored period insert "In a county in which state radio communications is not the 911 service provider, the county treasurer shall retain all fees received under this section."

Page 3, line 26, replace "eleven-member" with "eight-member"

Page 3, line 31, remove "one representative from the North Dakota"

Page 4, line 1, remove "911 association,"

Page 4, line 2, after "Dakota" insert "association of" and after "telephone" insert "cooperatives"

Page 4, line 3, remove "association, two members of the North Dakota house of representatives" and after "two" insert "representatives of counties with public safety answering points"

Page 4, line 4, remove "members of the North Dakota senate" and after the underscored period insert "The representatives from counties with public safety answering points must be selected so that one is a resident of western North Dakota and one is a resident of eastern North Dakota."

Page 4, line 7, remove "The legislative council is responsible for paying the expenses of"

Page 4, remove line 8

Page 4, line 9, remove "services to the committee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2357, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2357 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2360 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2379, 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 2379 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "43-19.1-28,"

Page 2, remove lines 8 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2394, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2394 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4014, as engrossed: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4027: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SCR 4027 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4050: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4055: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4055 was placed on the Tenth order on the calendar.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3036.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3036.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3036.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3036.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2034, SB 2053, SB 2081, SB 2100, SB 2102, SB 2196, SB 2236, SB 2310, SB 2328, SB 2355, SB 2371, SB 2393, SCR 4043.

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

MADAM PRESIDENT: The House has failed to pass: SB 2271.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2061.

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 2057, SB 2361.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2052, SB 2136, SB 2200, SB 2351.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1064, HB 1122, HB 1202, HB 1214, HB 1242, HB 1246, HB 1249, HB 1275, HB 1292, HB 1294, HB 1305, HB 1310, HB 1334, HB 1335, HB 1380, HB 1395, HB 1402, HB 1434, HB 1436, HB 1437, HCR 3017, HCR 3028.

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

MR. SPEAKER: The Senate has failed to pass: HB 1145.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1190, HB 1274, HB 1302, HB 1412.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1190

Page 1, line 2, replace "hunting" with "fishing"

Page 1, line 3, replace "sections" with "section" and remove "and 20.1-03-07.1"

Page 1, line 4, replace the first "hunting" with "fishing" and remove "and nonresident waterfowl hunting licenses"

Page 1, line 10, replace "3" with "2"

Page 2, remove lines 4 through 16

Page 2, line 19, replace "**Hunting**" with "**Fishing**"

Page 2, line 23, remove "or resident small game hunting license"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1274

Page 1, line 7, replace "lesser" with "amount agreed to by the parties in the revolving charge account agreement."

Page 1, remove lines 8 and 9

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1302

Page 1, line 21, remove "appoint or" and after "provide" insert "hunting"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1412

Page 1, line 2, after "securities" insert "; and to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of securities fees"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

4. All fees collected under this chapter ~~shall~~ must be turned deposited in to the general fund of the state treasury, ~~except civil penalties collected from enforcement actions may be deposited in the general fund or in a special securities protection fund to be used at the discretion of the commissioner for losses of investors or other persons and for other reasonable expenses for the administration of that particular case.~~

Page 1, underscore lines 6 through 23

Page 2, underscore lines 1 through 31

Page 3, underscore lines 1 through 29

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1186, HB 1224.

SENATE AMENDMENTS TO HOUSE BILL NO. 1186

Page 1, line 2, after "spreaders" insert "and agricultural chemical applicators; and to declare an emergency"

Page 1, line 22, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, line 3, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, line 5, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, after line 24, insert:

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1224

Page 1, line 2, after "commodities" insert "; to amend and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials; and to declare an emergency"

Page 1, underscore lines 6 through 12

Page 1, after line 12, insert:

"**SECTION 2. AMENDMENT.** Section 39-21-44 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review. Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation ~~except that a fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the provisions of title 49, Code of Federal Regulations, part 395, section 3, subsection b, relating to hours of service of drivers, and title 49, Code of Federal Regulations, part 395, section 8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals when the transportation is within a radius of fifty miles [80.47 kilometers] from the retailer's place of business and the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.~~ The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

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

Renumber accordingly

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

ROY GILBREATH, Chief Clerk