

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, March 5, 2001

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

The prayer was offered by Pastor Gordon Stork, Century Baptist Church, Bismarck.

The roll was called and all members were present except Representative Fairfield.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to HCR 3066 SB 2054, SB 2073, and SB 2172 be adopted, which motion prevailed.

HCR 3066, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2054 SB 2073, and SB 2172, as amended, were placed on the Fourteenth order of business on the calendar.

POINT OF PERSONAL PRIVILEGE

REP. FROELICH: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REQUEST

REP. FROELICH REQUESTED that his remarks be printed in the Journal, which request was granted.

Rep. Kerzman, Rep. Nicholas, and myself would like to compliment the members of the Mandan High School Band and its leaders. They were scheduled to take a trip to Ireland, but because of the recent outbreak of foot and mouth disease there, they prudently decided it was too large a risk of carrying the disease back to the billion dollar plus livestock industry in North Dakota.

I would hope that the leaders of this Assembly and the Senate, along with the Executive branch of this state, would do everything possible to help these young people recoup their costs. These young people have shown that the youth of North Dakota put their state's best interest before their personal interests.

MOTION

REP. M. KLEIN MOVED that SB 2043 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. M. Klein's motion, SB 2043 was rereferred.

MOTION

REP. PRICE MOVED that SB 2249, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Price's motion, SB 2249 was rereferred.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the deerproof hay yard program.

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 61 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Cleary; DeKrey; Delmore; Devlin; Disrud; Froelich; Froseth; Glassheim; Grumbo; Gulleson; Gunter; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Kliniske; Koppang; Kretschmar; Lemieux; Lloyd; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad;

Onstad; Pietsch; Pollert; Price; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Wald; Warner; Weisz; Wentz; Wikenheiser

NAYS: Bellew; Boehm; Byerly; Carlisle; Carlson; Clark; Delzer; Dosch; Drovdal; Eckre; Ekstrom; Galvin; Grande; Grosz; Haas; Hanson; Johnson, N.; Keiser; Kelsh, S.; Klein, F.; Klein, M.; Klemin; Koppelman; Kroeber; Mahoney; Meier; Porter; Renner; Rennerfeldt; Ruby; Thoreson, L.; Timm; Weiler; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield

SB 2025 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to amend and reenact section 18-11-26 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield

SB 2057 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2061: A BILL for an Act to amend and reenact section 12-47-05 of the North Dakota Century Code, relating to officers of the penitentiary and its affiliated facilities.

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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Boucher; Byerly; Carlson; Wald

ABSENT AND NOT VOTING: Fairfield

SB 2061 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2065: A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to access to corporate central credit union records.

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, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield; Froelich; Weisz

SB 2065 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2100: A BILL for an Act to create and enact a new section to chapter 54-18 of the North Dakota Century Code, relating to prepayment by the North Dakota mill and elevator association to contractors for construction or equipment; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield; Weisz

SB 2100 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact section 54-18-11 of the North Dakota Century Code, relating to execution of instruments by the North Dakota mill and elevator association; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman;

Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Boucher; Fairfield; Weisz

SB 2101 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Berg; Boehm; Brusegaard; Carlson; DeKrey; Delzer; Grande; Porter; Renner; Ruby; Skarphol; Wald; Weiler

ABSENT AND NOT VOTING: Fairfield

SB 2110 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 19-13.1-07 of the North Dakota Century Code, relating to the adulteration of commercial feeds.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield; Metcalf

SB 2111 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to conflicts of interest of members of the state water 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield

SB 2128 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to amend and reenact sections 36-05.1-01, 36-05.1-02, 36-05.1-03, 36-05.1-04, 36-05.1-06, and 36-05.1-07 of the North Dakota Century Code, relating to adopting laws on satellite video livestock auctions to include the licensing of internet livestock auction markets.

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, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Carlson; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grumbo; Gulleson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Brusegaard; Byerly; DeKrey; Delzer; Galvin; Grosz; Gunter; Kasper; Porter; Ruby; Thoreson, B.

ABSENT AND NOT VOTING: Fairfield

SB 2152 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2171: A BILL for an Act to amend and reenact sections 4-24-09 and 4-24-10 of the North Dakota Century Code, relating to the dry pea and lentil assessment fund.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud;

Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield

SB 2171 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to the crediting of dividends, interest, or increments to an owner of unclaimed property; and to amend and reenact subsection 3 of section 47-30.1-24 of the North Dakota Century Code, relating to the payment of unclaimed property claims.

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 31 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Boucher; Carlisle; Clark; Cleary; Delmore; Froelich; Gulleson; Hawken; Huether; Jensen; Keiser; Kelsh, S.; Kempenich; Kerzman; Lemieux; Mahoney; Maragos; Martinson; Mueller; Niemeier; Ruby; Sandvig; Schmidt; Solberg; Thoreson, B.; Thorpe; Weiler; Wentz; Winrich

NAYS: Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Meier; Monson; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Severson; Skarphol; Svedjan; Thoreson, L.; Tieman; Timm; Wald; Warner; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield; Metcalf

SB 2207 lost.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Bernstein presiding. **SPEAKER BERNSTEIN** turned the gavel over to Representatives Carlisle and Kliniske, Co-Chairmen of the Memorial Service.

MOTION

REP. BELTER MOVED that the House be on a Special Order of Business, which motion prevailed.

The Troubadours were escorted into the House Chambers by Representatives Koppelman and Metcalf.

Invocation: Dr. John Keller, First Baptist Church, Valley City, North Dakota

Musical Selection: "North Dakota Hymn", Valley City Troubadours, Lance Drevecky, Director Cyndi Hill, Accompanist

REP. BELTER MOVED that the House be on the Ninth Order of business, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time.

MOTION

REP. BELTER MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

Herbert Anderson, who served in the 42nd and 44th Legislative Assemblies, from District 20, died July 15, 2000;

Richard J. Backes, who served in the 37th through the 39th Legislative Assemblies, from District 43, and in the 40th through the 48th Legislative Assemblies, from District 3, died October 17, 2000;

Pauline M. Benedict, who served in the 45th and 46th Legislative Assemblies, from District 3, died December 21, 1999;

Harold Burau, who served in the 28th and 29th Legislative Assemblies, from District 40, died February 8, 2001;

Monty Burke, who served in the 40th and 41st Legislative Assemblies, from District 32, died October 28, 1999;

John F. Gengler, who served in the 37th and 39th Legislative Assemblies, from District 31, and in the 42nd, 43rd, and 45th Legislative Assemblies, from District 37, died February 5, 2000;

Normen Grubb, who served in the 43rd Legislative Assembly, from District 4, died March 12, 2000;

Dale L. Henegar, who served in the 52nd Legislative Assembly, from District 52, and in the 53rd through the 56th Legislative Assemblies, from District 30, died September 6, 1999;

Roy A. Holand, who served in the 30th through the 33rd Legislative Assemblies, from District 24, died November 26, 1999;

Robert Jacobsen, who served in the 46th and 47th Legislative Assemblies, from District 23, died August 11, 2000;

Irven Jacobson, who served in the 42nd through the 48th Legislative Assemblies, from District 2, died January 4, 2000;

Howard Johnson, who served in the 42nd through the 44th Legislative Assemblies, from District 17, and in the 45th Legislative Assembly, from District 16, died November 11, 2000;

Marlin T. Obie, who served in the 39th Legislative Assembly, from District 6, died July 22, 1999;

Anna Powers, who served in the 37th through the 39th Legislative Assemblies, from District 11, and in the 44th and 45th Legislative Assemblies, from District 22, died July 20, 1999;

Oscar J. Sorlie, who served in the 31st through the 37th Legislative Assemblies, from District 8, died April 14, 1999;

Grace Stone, who served in the 40th through the 43rd Legislative Assemblies, from District 18, died August 29, 2000; and

WHEREAS, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

The question being on the final adoption of the resolution, which has been read.

HMR 7001 was declared adopted on a voice vote.

Recognition of Guests

Musical Selection

"Just A Closer Walk With Thee"
Valley City Troubadours

Poem Reading

Representative John Mahoney

Musical Selection

"God Bless America"
Assembly Join in Singing

Benediction

Dr. John F. Keller
First Baptist Church, Valley City

Musical Selection "Blessing of Aaron" Valley City Troubadours

MOTION

REP. BELTER MOVED that the Special Order of Business be dissolved.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4038, SCR 4040, SCR 4041, SCR 4045.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1077, HB 1195.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1258.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HCR 3003.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1237.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1049.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1049

Page 1, line 1, after "sections" insert "1-08-12," and after "4-30-03.9" insert ", 6-09.6-01.1, 6-09.6-01.2"

Page 1, line 4, after "40-63-09" insert ", 42-04-01"

Page 1, line 5, after "52-06-06.1" insert ", subsection 9 of section 54-40.1-02"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Section 1-08-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1-08-12. Alternative methods of signing, subscribing, or verifying documents filed by electronic means. A state agency, as defined in section ~~32-12-1-02~~ 44-08-04.2, 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."

Page 2, after line 6, insert:

"SECTION 3. AMENDMENT. Section 6-09.6-01.1 of the North Dakota Century Code is amended and reenacted as follows:

6-09.6-01.1. Developmentally disabled facility loan fund program no. 2. There is hereby created a developmentally disabled facility loan fund program no. 2 for the purpose of making loans to nonprofit corporations, organized in the localities in which facilities are proposed to be located, for project costs, including the cost of real estate, construction, reconstruction, acquisition, furnishings, and equipment, and administrative costs related to the establishment thereof, of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons. The loan fund may borrow an amount not to exceed five million dollars from the common ~~school~~ schools trust fund to finance the program. The loan must be repaid from any moneys in the lands and minerals trust fund not otherwise appropriated. Any interest earned by the loan fund before loans are made must be credited by the Bank to the lands and minerals trust fund. The loan fund program must be administered by the Bank of North Dakota in the same manner the Bank administers the program established by sections 6-09.6-01 and 6-09.6-02 through 6-09.6-05, except that all payments of principal and interest must be credited by the Bank to the lands and minerals trust fund after the Bank has deducted a service fee for administering the program equivalent to an annual fee of one-half of one percent of the principal balance of the outstanding loans.

SECTION 4. AMENDMENT. Section 6-09.6-01.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-09.6-01.2. Developmentally disabled facility loan fund program no. 3. There is hereby created a developmentally disabled facility loan fund program no. 3 for the purpose of making loans to nonprofit corporations, organized in the localities in which facilities are proposed to be located, for project costs, including the cost of real estate, construction, reconstruction, acquisition, furnishings, and equipment, and administrative costs related to the establishment thereof, of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons. The loan fund may borrow an amount not to exceed four million nine hundred fifty-one thousand one hundred forty-five dollars from the common ~~school~~ schools trust fund to finance the program. The loan fund program shall be administered by the Bank of North Dakota in the same manner the Bank administers the program established by sections 6-09.6-01 and 6-09.6-02 through 6-09.6-05, except that all payments of principal and interest must be credited by the Bank to the lands and minerals trust fund after the Bank has deducted a service fee for administering the program equivalent to an annual fee of one-half of one percent of the principal balance of the outstanding loans."

Page 9, after line 8, insert:

"SECTION 16. AMENDMENT. Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

42-04-01. Agricultural operation defined. As used in this chapter, "agricultural operation" means the science and art of production of plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and including, to a variable extent, the preparation of these products for

people's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Page 10, after line 31, insert:

"SECTION 21. AMENDMENT. Subsection 9 of section 54-40.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9. "Regional council" means the council for comprehensive planning and development established in each region pursuant to ~~section 54-40-08~~ this chapter."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2164.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3065.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2083, SB 2099, SB 2158, SB 2161, SB 2178, SB 2260, SB 2283, SB 2284, SB 2363, SB 2421.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2146.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 5, 2001: HB 1060, HB 1062, HB 1067, HB 1068, HB 1070, HB 1076, HB 1080, HB 1081, HB 1082, HB 1083.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2035, SB 2051, SB 2075, SB 2077, SB 2087, SB 2089, SB 2092, SB 2093, SB 2094, SB 2096, SB 2112, SB 2122, SB 2138, SB 2140, SB 2165, SB 2168, SB 2199, SB 2302, SB 2326, SB 2350.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1042, HB 1072, HB 1078, HB 1086, HB 1087, HB 1093, HB 1104, HB 1139, HB 1152, HB 1155, HB 1207, HB 1351, HB 1374, HB 1471.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1060, HB 1062, HB 1067, HB 1068, HB 1070, HB 1076, HB 1080, HB 1081, HB 1082, HB 1083, HB 1090, HB 1095, HB 1096, HB 1110, HB 1127, HB 1129, HB 1132, HB 1138, HB 1140, HB 1143, HB 1144, HB 1176, HB 1178, HB 1183, HB 1194, HB 1209, HB 1250, HB 1346, HB 1365.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2035, SB 2051, SB 2075, SB 2077, SB 2087, SB 2089, SB 2092, SB 2093, SB 2094, SB 2096, SB 2112, SB 2122, SB 2138, SB 2140, SB 2165, SB 2168, SB 2199, SB 2302, SB 2326, SB 2350.

REPORT OF STANDING COMMITTEE

SB 2047: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2047 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2108: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2323, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2323 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2324, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2324 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2366: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2412, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2412 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2430, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2430 was placed on the Fourteenth order on the calendar.

MOTION

REP. MONSON MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 6, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

