

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, March 27, 2001

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

The prayer was offered by Pastor Dale Nablen, Chaplain, Missouri Slope Lutheran Home, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 26, 2001, I have signed the following: HB 1028, HB 1101, HB 1133, HB 1137, HB 1153, HB 1193, HB 1221, HB 1222, HB 1223, HB 1336, HB 1422, HB 1424, and HB 1452.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to SB 2106 SB 2166, SB 2251, SB 2315, and SB 2397 be adopted, which motion prevailed.

SB 2106 SB 2166, SB 2251, SB 2315, and SB 2397, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

SB 2337, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2337 was placed on the Fourteenth order on the calendar.

MOTION

REP. TIMM MOVED that SB 2337 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Timm's motion, SB 2337 was rereferred.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1105 as printed on HJ page 1102, which motion prevailed on a voice vote.

HB 1105, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1105: A BILL for an Act to provide for a computerized central indexing system; to create and enact section 41-05-18 and a new chapter 41-09 of the North Dakota Century Code, relating to Uniform Commercial Code Article 9 - Secured Transactions; to amend and reenact subsection 5 of section 11-18-05, sections 32-20-08 and 35-06-11, subdivision a of subsection 1 of section 35-29-04, subsection 2 of section 35-32-02, section 35-34-06, subsection 2 of section 41-01-05, section 41-01-10.5, subsections 9 and 32 and subdivision a of subsection 37 of section 41-01-11, subsection 2 of section 41-01-16, subdivision d of subsection 3 of section 41-02-03, sections 41-02-17, 41-02-43, and 41-02-50, subsection 3 of section 41-02-95, subsection 3 of section 41-02.1-03, sections 41-02.1-33 and 41-02.1-37, subdivision b of subsection 1 of section 41-02.1-39, subdivision a of subsection 3 of section 41-04-22, subdivision a of subsection 1 of section 41-07-32, subsection 6 of section 41-08-03, section 41-08-06, subsection 5 of section 41-08-10, subdivision c of subsection 1 of section 41-08-27, subsection 1 of section 41-08-28, section 41-08-50, subsection 12 of section 47-19-02, subdivision a of subsection 2 of section 49-04-19, and section 54-09-08 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal present chapter 41-09 of the North Dakota Century Code, relating to secured transactions; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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: Delzer

Engrossed HB 1105 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1270 as printed on HJ page 1103, which motion prevailed on a voice vote.

HB 1270, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to provide for an interstate compact for adult offender supervision; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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

Engrossed HB 1270 passed and the title was agreed to.

MOTION

REP. TIMM MOVED that SB 2239, which is on the Twelfth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Timm's motion, SB 2239 was rereferred.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do not concur in the Senate amendments to HB 1457 as printed on HJ page 1001 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1457: Reps. Ruby, Severson, Lemieux.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to HCR 3034 as printed on HJ page 925, which motion prevailed on a voice vote.

HCR 3034, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation permanent partial impairment benefits.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; 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

Engrossed HCR 3034 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 HCR 3066 as printed on HJ page 981, which motion prevailed on a voice vote.

HCR 3066, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3066: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of increasing the communication between the executive and legislative branches to monitor and assess the development of state policy regarding economics, population, and business growth.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Boehm; Byerly; Carlson; Delzer; Grande; Grosz; Kasper; Klein, F.; Renner; Skarphol; Thoreson, B.; Timm; Wald; Weiler

ABSENT AND NOT VOTING: Lloyd

Engrossed HCR 3066 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2201: Reps. Rennerfeldt, Brekke, Winrich.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2226: Reps. Klemin, Kingsbury, Mahoney.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to temporary assistance for needy families benefits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boehm; Boucher; Carlisle; Cleary; Delmore; Disrud; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hunskor; Jensen; Kelsh, S.; Kerzman; Klein, F.; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Mueller; Nicholas; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Bellew; Belter; Berg; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Meier; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Wald

Engrossed SB 2414 lost.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact two new subsections to section 39-06.1-06 and a new section to chapter 39-06.2 of the North Dakota Century Code, relating to fees for traffic offenses and medical qualifications; to amend and reenact section 39-06.1-05, subsection 8 of section 39-06.1-06, sections 39-06.1-07, 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code, relating to traffic offenses; and to provide penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; 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; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Belter; Brusegaard; Delzer; Fairfield; Froelich; Grosz; Lemieux; Metcalf; Monson; Mueller; Wentz; Winrich

Engrossed SB 2088 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to create and enact a new subsection to section 43-17-32.1, a new subsection to section 44-04-17.1, a new subsection to section 44-04-18, a new subsection to section 44-04-18.7, and section 44-04-21.3 of the North Dakota Century Code, relating to open records and open meetings; to amend and reenact subsection 1 of section 6-09-35, subsections 10, 12, and 13 of section 44-04-17.1, subsections 5 and 7 of section 44-04-18, subsection 1 of section 44-08-18.1, subsection 6 of section 44-04-19.1, subsection 5 of section 44-04-19.2, and subsections 1 and 3 of section

44-04-21.2 of the North Dakota Century Code, relating to open records and open meetings; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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

Engrossed SB 2117 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact section 11-10-04 of the North Dakota Century Code, relating to the residence of candidates for election to a county office.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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

Engrossed SB 2244 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; 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; Lloyd; Mahoney; 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

NAYS: Aarsvold; Lemieux

ABSENT AND NOT VOTING: Maragos

Engrossed SB 2345 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to duration of easements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 72 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Belter; Brandenburg; Brekke; Brusegaard; Cleary; Devlin; Disrud; Ekstrom; Froelich; Hanson; Hawken; Johnson, D.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Kroeber; Lemieux; Nelson; Nicholas; Nottestad; Porter; Severson; Winrich

NAYS: Aarsvold; Bellew; Berg; Boehm; Boucher; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Dosch; Drovdal; Eckre; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Herbel; Huether; Hunskor; Jensen; Johnson, N.; Kelsch, R.; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

Engrossed SB 2388 lost.

MOTION

REP. BELTER MOVED that SCR 4036 and SB 2053 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and sections 12 and 25 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brusegaard; Carlson; Clark; Grande; Grosz; Klein, F.; Klein, M.; Porter; Timm; Wald

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; 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; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Jensen; Kelsch, R.

SCR 4036 lost.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to create and enact a new section to chapter 5-03 of the North Dakota Century Code, relating to deposit of taxes and fees from beer and liquor wholesalers in the state general fund; to amend and reenact sections 2-05-15.1, 5-01-04, 5-01-11, 5-01-16, 5-03-01, 5-03-01.1, 5-03-01.2, 5-03-02, 5-03-04, 5-03-05, 5-03-06, 5-03-06.1, 57-32-03, 57-32-04, 57-32-05, and 57-32-06 of the North Dakota Century Code, relating to transfer of tax collection responsibilities from the state treasurer to the state tax commissioner; 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 51 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Kliniske; Koppelman; Kretschmar; Lloyd; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Brandenburg; Brekke; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppang; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Wentz; Wikenheiser; Winrich

SB 2053 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: SCR 4028.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SCR 4028.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1377.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1377

Page 1, line 2, replace "from" with "; to provide for a legislative council study"

Page 1, line 3, remove "the Bank of North Dakota"

Page 1, line 7, replace "The" with "Subject to approval by the emergency commission, the" and remove "from the Bank of North Dakota"

Page 1, line 8, remove "or other sources, and the Bank may loan to the board,"

Page 1, line 10, replace "a" with "an"

Page 1, line 11, remove "seven hundred fifty dollar"

Page 1, line 12, after "repaid" insert ", including any accrued interest. The amount of the annual renewal license fee assessed under this section may not exceed one thousand dollars"

Page 1, line 14, after the period insert "The notice of a proposed rule to assess the fee in this section or revert to the previous license fee may be sent by certified mail to each individual licensed by the board in lieu of the publication requirements for the notice in chapter 28-32.

SECTION 2. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 2001-02 interim the ability of occupational and professional boards with less than one hundred licensees to process disciplinary complaints and carry out other statutory responsibilities. The study should address procedures used by boards to respond to disciplinary complaints and initiate disciplinary actions, the boards'

ability to pay for the cost of disciplinary actions, and the legal services and staff services available to assist boards with the processing of disciplinary complaints and the performance of other statutory responsibilities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1425.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1251, HB 1319, HB 1371, HB 1426, HB 1451, HB 1456.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1371

Page 1, line 7, after "~~other~~" insert:

"1."

Page 1, line 13, after the period insert:

"2."

Page 1, line 14, remove "beginning thirty days after the date of enrollment"

Page 1, line 15, replace "a" with "the", replace the second "the" with "each", and after the underscored period insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district."

Page 1, line 19, after the second period insert:

"1."

Page 1, line 21, after the period insert:

"2."

Page 1, line 22, remove "beginning thirty days after the date of enrollment"

Page 1, line 23, replace "a" with "the", replace the second "the" with "each", and after the underscored period insert "The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district."

"3."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1426

Page 1, line 2, replace "and sections" with "section", replace the second "and" with ", subsection 3 of section 16.1-08.1-03.3, sections", and after "16.1-08.1-04" insert ", and 16.1-08.1-06"

Page 3, line 11, after the period insert "Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter."

SECTION 4. AMENDMENT. Subsection 3 of section 16.1-08.1-03.3 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of two hundred dollars in the

aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election. Even if a political committee has not received any contributions or made any expenditures in excess of two hundred dollars during the reporting period, the political committee shall file a statement as required by this chapter."

Page 3, after line 24, insert:

"SECTION 6. AMENDMENT. Section 16.1-08.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions statement requirements.

1. A statement required by this chapter to be filed with the secretary of state must be:
 - a. ~~Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed with or delivered to the secretary of state, but if it within the prescribed time.~~ A statement that is mailed is deemed properly filed when it is postmarked and directed to the secretary of state within the prescribed time. If a statement is not received by the secretary of state, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt.
 - b. Preserved by the secretary of state for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's office and must be open to public inspection.
2. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement must be filed on the next available day on which the office of the secretary of state is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.
3. Unless otherwise provided by law, any candidate, political party, committee, or person may not be charged a fee for filing any statement with the secretary of state under this chapter."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1451

Page 1, line 5, remove "The administrative rules committee shall establish a schedule for review of all"

Page 1, line 6, remove "administrative rules." and after the first "the" insert "administrative rules"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1456

Page 1, line 10, after "showing" insert "the name and mailing address of"

Page 1, line 12, after "period" insert ", the amount of each reportable contribution in excess of two hundred dollars,"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1251

Page 1, line 14, after "taxation" insert "or a manager of a limited liability company who is not a member"

Page 1, line 19, remove "that is treated as a corporation for purposes of"

Page 1, line 20, remove "federal income taxation"

Page 2, line 3, after the period insert "This exclusion from employment does not apply to any limited liability company that is wholly owned by or operates as an Indian tribe, state or local government, or nonprofit organization with respect to services performed for those entities which are required by federal law to be covered under the North Dakota unemployment compensation law."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1319

Page 2, line 5, after "employment" insert ". This exclusion from employment does not apply to any limited liability company that is wholly owned by or operates as an Indian tribe, state or local government, or nonprofit organization with respect to services performed for those entities which are required by federal law to be covered under the North Dakota unemployment compensation law"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2389.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2114.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2222, SB 2223, SB 2420.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1189 and HB 1245 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1189: Reps. R. Kelsch; Hawken; Schmidt

HB 1245: Reps. Pollert; Dosch; Thorpe

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1114, HB 1168, HB 1206, HB 1289, HB 1409, HB 1423, HB 1437, and HB 1459.

REPORT OF CONFERENCE COMMITTEE

HB 1182, as reengrossed: Your conference committee (Sens. Flakoll, Wanzek, O'Connell and Reps. Brusegaard, Nelson, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 799 and place HB 1182 on the Seventh order.

Reengrossed HB 1182 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1363, as engrossed: Your conference committee (Sens. Lyson, Trenbeath, C. Nelson and Reps. Maragos, Disrud, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 871, adopt amendments as follows, and place HB 1363 on the Seventh order:

That the House accede to the Senate amendments as printed on page 871 of the House Journal and page 743 of the Senate Journal and that Engrossed House Bill 1363 be further amended as follows:

Page 1, line 18, replace "an offense" with "simple assault involving the commission"

Page 1, line 20, replace "an offense" with "simple assault in which a finding of domestic violence was made"

Renumber accordingly

Engrossed HB 1363 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1398, as engrossed: Your conference committee (Sens. Trenbeath, Dever, C. Nelson and Reps. Klemm, Disrud, Onstad) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 925, adopt amendments as follows, and place HB 1398 on the Seventh order:

That the House accede to the Senate amendments as printed on page 925 of the House Journal and page 743 of the Senate Journal and that Engrossed House Bill No. 1398 be further amended as follows:

Page 2, after line 14, insert:

- "6. Institutional discipline and conduct and protective management records of all other inmates are confidential records and may only be disclosed as provided in subsection 1."

Renumber accordingly

Engrossed HB 1398 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2034, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2034 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2113: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2113 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2150 was placed on the Sixth order on the calendar.

Page 13, line 14, after "compensation" insert "and all offers received including the name of the settlement provider making the offer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2162, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2162, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 961 of the House Journal, Senate Bill No. 2162 is further amended as follows:

Page 1, line 2, remove "and 43-42-07"

Page 1, line 3, remove "; and to provide a penalty"

Page 7, remove lines 10 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2217, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (18 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2264: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2264 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2373, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2373, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 964 of the House Journal, Senate Bill No. 2373 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to income determination for child support; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 14-09-09.7 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Authorize a rebuttal of the presumption provided in subsection 3 in cases of atypical overtime wages or nonrecurring bonuses over which the obligor does not have significant influence or control.

SECTION 2. EFFECTIVE DATE. This Act is effective on the earlier of August 1, 2003, or the date the department of human services certifies to the legislative council as the effective date of guidelines adopted which implement section 1 of this Act, as provided by subsection 4 of section 14-09-09.7."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2380, as reengrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2380, as amended, was referred to the **Appropriations Committee**.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a community health grant program; to amend and reenact subsection 1 of section 54-27-25 of the North Dakota Century Code, relating to the community health trust fund; to provide an appropriation; and to provide for a legislative council study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1.** Community health grant program.

1. The state department of health shall establish a community health grant program. The primary purpose of the program is to prevent or reduce tobacco usage in the state by strengthening community-based public health programs and by providing assistance to public health units and communities throughout the state. The program must build on and may not duplicate existing programs. Grants awarded under the program must be awarded on a noncompetitive basis using the per capita formula provided for in this subsection. The program must, to the extent funding is available, follow guidelines concerning tobacco prevention programs recommended by the centers for disease control and prevention. Entities awarded grants under the program may contract with or award grants to private providers that conduct tobacco cessation programs. Not more than five percent of the community health grant program funds may be expended for surveillance and evaluation activities. Funds appropriated for the program must be allocated as follows:

a. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have an agreement with school boards concerning preventive health

- a. One individual appointed by the North Dakota Indian affairs commission;
 - b. One individual appointed by the North Dakota public health association;
 - c. The superintendent of public instruction or the superintendent's designee;
 - d. An academic researcher with expertise in tobacco control and health promotion intervention, appointed by the dean of the university of North Dakota school of medicine and health sciences; and
 - e. One physician appointed by the North Dakota medical association.
2. Members of the committee who are not state employees or officers are entitled to be compensated at a rate of sixty-two dollars and fifty cents per day and are entitled to mileage and expenses as provided by law for state officers and employees. A state employee who is a member of the committee must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.
3. The state department of health, with the committee's involvement, shall provide assistance to:
- a. Evaluate programs;
 - b. Promote media advocacy by working with statewide media associations;
 - c. Implement smoke-free policies by involving antitobacco groups in promoting the need for smoke-free public buildings;
 - d. Work to reduce minors' access to tobacco in all communities;
 - e. Facilitate the coordination of program components with the local level; and
 - f. Involve state agencies, law enforcement, and local government in the administration and management of the program.
4. The state health officer shall monitor the implementation of the community health grant program. The state health officer shall provide reports to the legislative council regarding the implementation of the program not later than December 31, 2001, and November 1, 2002. Upon request, the state health officer shall provide assistance to any interim legislative committee that may study the implementation of the community health grant program and shall recommend any legislation that the community health grant program advisory committee considers appropriate to improve the community health grant program.

SECTION 3. AMENDMENT. Subsection 1 of section 54-27-25 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use ~~funds~~ moneys deposited in the fund, along with all interest earned on moneys in the fund, as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the community health grant program advisory committee, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding grants to cities and counties on a dollar-for-dollar matching fund basis for city and county employee tobacco education and cessation programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 6. ALCOHOL, TOBACCO, AND DRUG ABUSE PROGRAMS - LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying the programs that deal with the prevention and treatment of alcohol, tobacco, and drug abuse and other kinds of risk-associated behavior which are operated by various state agencies, including the department of corrections and rehabilitation, the attorney general, the state department of health, the department of human services, the department of public instruction, the department of transportation, the national guard, and the supreme court, and whether better coordination among the programs within those agencies may lead to a more effective and cost-efficient way of operating the programs and providing services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4048: A concurrent resolution urging the issuance of a postage stamp to honor the Purple Heart medal and those who have received the Purple Heart medal.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:30 a.m., Wednesday, March 28, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

