

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, March 27, 2003

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

The prayer was offered by Rev. Roger Will, Evangel Temple, Bismarck.

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

A quorum was declared by the Speaker.

Let the record show Rep. Carlson was present for roll call.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Fifty Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1058, after line 34 insert the following:

**REPORT OF STANDING COMMITTEE**

**SB 2151: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2151 was placed on the Fourteenth order on the calendar.

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 26, 2003, I have signed the following: HB 1065, HB 1067, HB 1070, HB 1096, HB 1106, HB 1108, HB 1115, HB 1119, HB 1129, HB 1136, HB 1139, HB 1142, HB 1192, HB 1279, HB 1343, HB 1378, HB 1400, HB 1443, and HB 1503.

**POINT OF PERSONAL PRIVILEGE**

**REP. R. KELSCH:** Madam Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

**REQUEST**

**REP. R. KELSCH REQUESTED** that her remarks be printed in the Journal, which request was granted.

Madam Speaker, on more than one occasion this session, members of this body, have stood and as a point of personal privilege, made complimentary remarks recognizing and congratulating hometown High School Sports Teams. Rep. Porter and myself have had that opportunity. Recognizing outstanding accomplishments of schools in our home district is a longstanding tradition of the House.

Today, Madam Speaker, we would like to take that opportunity again. Only today, the students and educators that we would like to recognize come from throughout this great state. They come from all 47 legislative districts. They should be the pride of each and everyone of us.

These individuals, some of who are with us today, are our state's finest musicians.

Madam Speaker, by our Governor's Proclamation, March is declared, "Music In Our Schools Month". The focus on music is an integral part of the education process and development of the total child.

Starting today, the North Dakota All State Band, Choir, Orchestra, Jazz Band and Women's Choir are rehearsing and performing in Bismarck. Over 400 students are participating. These students have been selected from over 200 auditions.

These 400 young musicians are truly champions. They set the standard high.

I ask that if these young men and women and their music instructors are in the chamber that they either rise or step to the rail. Let us congratulate and be proud of their outstanding accomplishments and let us thank them for a job well done.

#### SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2029, SB 2041 and SB 2210 be adopted, which motion prevailed.

SB 2029, SB 2041 and SB 2210, as amended, were placed on the Fourteenth order of business on the calendar.

#### MOTION

**REP. BERG MOVED** that SB 2041, SB 2151, SB 2210, and SB 2211 be moved to the top of the Fourteenth order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to provide for a criminal justice information sharing board; and to amend and reenact sections 12-60-16.2 and 12-60-16.9 of the North Dakota Century Code, relating to the collection of criminal information and fees for criminal history record checks.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglen; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Iverson; Kasper; Thoreson; Wald; Wrangham

Reengrossed SB 2041, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2151:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to transferring the state crime laboratory division including the state toxicologist to the office of the attorney general and to provide for transfer of related administrative rules; to amend and reenact sections 19-01-10 and 19-03.1-37, subsection 2 of section 28-32-01, sections 31-13-01, 31-13-03, 31-13-04, 31-13-05, 31-13-07, 31-13-08, and 31-13-09, and subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to the state crime laboratory, the state toxicologist, and DNA testing; and to repeal sections 12-60-21, 12-60-22, and 23-01-09.1 of the North Dakota Century Code, relating to the bureau of criminal investigation and the state toxicologist; to provide an effective date; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg;

Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Iverson; Kasper; Thoreson; Wald; Wrangham

SB 2151 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2210:** 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 alternative group health policy and health service contract substance abuse coverage; and to amend and reenact section 26.1-36-08 of the North Dakota Century Code, relating to group health policy and health service contract substance abuse coverage.

#### 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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2210, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2211:** A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to mandatory prison terms for armed offenders; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 2 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Kerzman; Thorpe

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2211 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. THORESON MOVED** that the House reconsider its action whereby SB 2048 failed to pass.

**REQUEST**

**REP. THORESON REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SB 2048 failed to pass, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby SB 2048 failed to pass, the roll was called and there were 47 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; Delmore; Delzer; Eckre; Ekstrom; Glassheim; Grande; Guleson; Hanson; Hawken; Iverson; Kasper; Kelsch, S.; Koppelman; Kroeber; Maragos; Metcalf; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Schmidt; Svedjan; Thoreson; Thorpe; Timm; Warner; Warnke; Weiler; Wieland; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Amerman; Boe; Boucher; Brusegaard; DeKrey; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grosz; Haas; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Martinson; Meier; Monson; Nicholas; Pollert; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Solberg; Tieman; Uglem; Wald; Weisz; Wikenheiser

**ABSENT AND NOT VOTING:** Wrangham

So the motion to reconsider the action whereby SB 2048 failed to pass, failed.

**SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to amend and reenact subsection 1 of section 39-16.1-09 and subsection 1 of 39-16.1-19 of the North Dakota Century Code, relating to proof of insurance; to provide for application; 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 75 YEAS, 7 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Belter; DeKrey; Grosz; Kerzman; Pollert; Timm

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Maragos; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2308, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2282:** A BILL for an Act to amend and reenact sections 15-52-03, 15-52-04, 15-52-16, 15-52-17, 15-52-18, and 15-52-20 of the North Dakota Century Code, relating to the membership and duties of the medical center advisory council and medical center loans; and to repeal sections 15-52-19 and 15-52-24 of the North Dakota Century Code, relating to medical center loan payments and loan insurance.

**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 80 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Ekstrom; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Weisz; Williams; Wrangham

Reengrossed SB 2282, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2319:** A BILL for an Act amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; to provide an appropriation; and to provide an effective 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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2319, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to provide for a beef systems center of excellence.

**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 80 YEAS, 2 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Belter; Ruby

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Norland; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2334, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2339:** A BILL for an Act to provide for the interstate transfer or travel of probationers; 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 82 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Boucher; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2339, as amended, passed and the title was agreed to.

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### MOTION

**REP. BERG MOVED** that SB 2261 be laid over three legislative days, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2052:** A BILL for an Act to amend and reenact section 40-23-22.1 of the North Dakota Century Code, relating to city flood control special assessments on privately owned structures, fixtures, and improvements, used for private commercial purposes, which are located on state-owned land; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 1 NAY, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Maragos

**ABSENT AND NOT VOTING:** Boucher; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2052 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2058:** A BILL for an Act to create and enact sections 54-52-02.11 and 54-52-02.12, a new subsection to section 54-52-17.4, two new sections to chapter 54-52, three new subsections to section 54-52-26, section 54-52.2-03.3, and two new sections to chapter

54-52.6 of the North Dakota Century Code, relating to participation, service credit purchases, confidentiality under the public employees retirement system, contributions to a defined contribution plan account, qualified domestic relations order applicability to the deferred compensation program, and compliance with the Internal Revenue Code; to amend and reenact section 28-22-19, subsections 3, 7, 10, and 14 of section 54-52-01, sections 54-52-02 and 54-52-02.5, subsection 3 of section 54-52-05, sections 54-52-17, 54-52-17.2, 54-52-17.4, and 54-52-27, subsection 1 of section 54-52.1-03.3, section 54-52.2-06, and subsection 4 of section 54-52.6-13 of the North Dakota Century Code, relating to exemptions from legal process, definitions, membership, contributions, benefits, service credit, conversion of sick leave, and retiree health benefits under the public employees retirement system and account refunds for members of the defined contribution retirement system; and to repeal section 54-52-17.8 of the North Dakota Century Code, relating to benefit limitations under the public employees retirement system.

#### 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 82 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Boucher; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Thoreson; Wald; Williams; Wrangham

Engrossed SB 2058 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to amend and reenact sections 36-14-04.1, 36-25-01, and 36-25-10 of the North Dakota Century Code, relating to certificates of veterinary inspection and farmed elk; 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 81 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed SB 2198 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 4-22 of the North Dakota Century Code, relating to training for newly elected or appointed soil conservation district supervisors; and to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to the soil conservation committee chairmanship.

**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 82 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed SB 2199 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2201:** A BILL for an Act to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to waivers of requirements for calfhood vaccination against brucellosis; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to requirements for calfhood vaccination against brucellosis.

**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, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

SB 2201 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2254:** A BILL for an Act to amend and reenact section 2-05-18 of the North Dakota Century Code, relating to a license for aerial spraying.

**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 51 YEAS, 29 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boe; Boehning; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Kreidt; Maragos; Martinson; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Sandvig; Severson; Sitte; Svedjan; Tieman; Uglem; Warnke; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Bellew; Boucher; Brusegaard; Carlisle; Froseth; Grande; Grosz; Gulleson; Hunskor; Kelsh, S.; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber;



Metcalf; Niemeier; Pietsch; Price; Rennerfeldt; Ruby; Schmidt; Solberg; Thorpe; Warner; Weiler; Weisz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Wieland; Williams; Wrangham

SB 2254, as amended, passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that Engrossed SB 2311, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed SB 2311 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2323:** A BILL for an Act to create and enact two new sections to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's authority to restrict cervidae carcass imports due to chronic wasting disease and the governor's authority to declare an animal health emergency; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 0 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

SB 2323, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. BERG MOVED** that SB 2394 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2228:** A BILL for an Act to amend and reenact sections 44-04-18.12, 51-15-01, 51-15-04, 51-15-05, 51-15-06, 51-15-06.1, 51-15-07, 51-15-08, 51-15-10, and 51-15-11 of the North Dakota Century Code, relating to the confidentiality of agreements between a governmental agency in another jurisdiction and the attorney general and to unlawful sales or advertising practices; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Onstad; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed SB 2228 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2288:** A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to requirements for political parties conducting presidential preference caucuses; to amend and reenact sections 16.1-11-15, 16.1-11-30, and 16.1-12-02 and subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to circulating petitions to establish a political party, independent nominations for president of the United States, and rules adopted by the secretary of state for the presidential preference contest; and to repeal sections 16.1-11-02, 16.1-11-02.1, 16.1-11-02.3, 16.1-11-03, and 16.1-11-04 of the North Dakota Century Code, relating to the presidential preference contest.

### 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 73 YEAS, 6 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Froelich; Kerzman; Kroeber; Sitte; Solberg

**ABSENT AND NOT VOTING:** Carlson; DeKrey; Delzer; Devlin; Ekstrom; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed SB 2288 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2324:** A BILL for an Act to amend and reenact sections 46-05-01, 46-06-01, 46-06-02, and 46-06-03 of the North Dakota Century Code, relating to qualifications of legal newspapers, official newspapers in counties where no newspaper is published, and placement of newspapers on the ballot; and to repeal section 46-05-02 of the North Dakota Century Code, relating to newspaper affidavits filed with county auditors.

### 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 78 YEAS, 1 NAY, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Speaker Wentz

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Warner; Williams; Wrangham

SB 2324 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2326:** A BILL for an Act to create and enact three new sections to chapter 4-11 of the North Dakota Century Code, relating to wholesale potato dealers; to amend and reenact sections 4-11-01, 4-11-02, 4-11-03, 4-11-04, 4-11-06, 4-11-07, 4-11-08, 4-11-09, 4-11-10, 4-11-12, 4-11-13, 4-11-14, 4-11-15, 4-11-16, 4-11-17, 4-11-18, 4-11-19, 4-11-20, 4-11-21, 4-11-22, 4-11-23, and 4-11-24 of the North Dakota Century Code, relating to wholesale potato dealers; to repeal sections 4-11-05 and 4-11-11 of the North Dakota Century Code, relating to wholesale potato dealers' licenses and fee schedules; to provide a penalty; to provide for a continuing appropriation; 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 78 YEAS, 0 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Kingsbury; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Warner; Williams; Wrangham

SB 2326 passed, the title was agreed to, and the emergency clause was declared carried.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1243 as printed on HJ pages 986-987, which motion prevailed on a voice vote.

HB 1243, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1243:** A BILL for an Act to create and enact a new section to chapter 50-06, chapter 53-12, a new subsection to section 57-38-57, a new subsection to section 57-39.2-04, and a new subsection to section 57-39.2-23 of the North Dakota Century Code, relating to compulsive gambling prevention and treatment, the establishment of the North Dakota lottery, disclosure of confidential income and sales and use tax information, and to an exemption from sales tax; to amend and reenact subsection 2 of section 50-09-14 and subsection 2 of section 54-10-01 of the North Dakota Century Code, relating to setoffs of lottery prize payments for payment of child support and to the powers and duties of the state auditor; to provide a penalty; to provide a continuing appropriation; to provide for reimbursement of lottery expenses; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 64 YEAS, 16 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Bernstein; Boucher; Drovdal; Gulleeson; Hunskor; Kerzman; Klein, M.; Koppelman; Niemeier; Norland; Rennerfeldt; Ruby; Sitte; Thorpe; Tieman

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed HB 1243, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1213 as printed on HJ page 1002, which motion prevailed on a voice vote.

HB 1213, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1213:** A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to the confidentiality of records containing the telephone number and home address of juvenile court supervisors and probation officers.

#### 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 80 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

HB 1213 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. FROSETH MOVED** that the House do concur in the Senate amendments to HB 1246 as printed on HJ page 985, which motion prevailed on a voice vote.

HB 1246, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota Century Code, relating to enforcement of criminal violations by a home rule county; and to amend and reenact subsection 5 of section 11-09.1-05 and section 27-05-06 of the North Dakota Century Code, relating to powers of a home rule county and the jurisdiction of the district court.

#### 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 80 YEAS, 0 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig;

Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

Engrossed HB 1246, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1251 as printed on HJ page 1003, which motion prevailed on a voice vote.

HB 1251, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1251:** A BILL for an Act to amend and reenact section 12.1-06.1-08 of the North Dakota Century Code, relating to computer crimes; 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 77 YEAS, 3 NAYS, 0 EXCUSED, 14 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bernstein; Grande; Weisz

**ABSENT AND NOT VOTING:** Belter; Carlson; Delzer; Devlin; Iverson; Kasper; Klein, F.; Meier; Skarphol; Thoreson; Timm; Wald; Williams; Wrangham

HB 1251 passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that they suspend Rule 508 and move the deadline of bills out of committee by April 1, 2003, which motion prevailed.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2041, SB 2210, SB 2254, SB 2282, SB 2308, SB 2319, SB 2334, SB 2339.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed unchanged: SB 2052, SB 2058, SB 2198, SB 2199, SB 2201, SB 2288, SB 2324.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2151, SB 2211, SB 2228, SB 2326.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2323.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2048.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 27, 2003: HB 1052, HB 1056, HB 1062, HB 1073, HB 1082, HB 1101, HB 1105, HB 1168, HB 1195, HB 1200,

HB 1215, HB 1227, HB 1235, HB 1237, HB 1238, HB 1239, HB 1249, HB 1252, HB 1261, HB 1263, HB 1268, HB 1277, HB 1299, HB 1316, HB 1322, HB 1331, HB 1336, HB 1382, HB 1410, HB 1423, HB 1498.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1350.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1161, HB 1352.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1092, HB 1351.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1092**

Page 1, line 6, remove the first "and"

Page 1, line 11, after "opinions" insert "; to provide for application; to provide an effective date; and to declare an emergency"

Page 5, line 4, remove "in the course of an investigation"

Page 6, after line 2, insert:

**"SECTION 14. APPLICATION - NOTICE TO PUBLIC.** Section 9 of this Act does not apply to recorders until December 1, 2003. From the effective date of this Act until November 30, 2003, each recorder shall provide written notice of the relevant terms of this Act to any individual filing or recording a document if the document contains a social security or federal tax identification number. The notice must also state that a document containing a social security and federal tax identification number may not be filed or recorded after November 30, 2003.

**SECTION 15. EFFECTIVE DATE.** Sections 1 and 6 of this Act become effective on December 1, 2003.

**SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1351**

Page 1, line 16, after "19-03.1-01" insert ", except the term does not include less than one-half ounce of marijuana"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1353.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1116, HB 1255, HB 1394, HCR 3037.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116**

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to trust preferred securities transactions; to"

Page 1, line 2, replace "regarding trust preferred" with "to guarantee loans"

Page 1, line 3, remove "securities transactions"

Page 2, after line 20, insert:

**"SECTION 2.** A new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code is created and enacted as follows:"

Page 2, line 21, remove "n."

Page 2, line 23, replace "This" with "Section 1 of this"

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1255**

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

Page 1, line 19, overstrike "window or"

Page 1, line 21, after "percent" insert "or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent"

Page 2, line 1, remove "from sunrise to sunset"

Page 2, line 2, remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1394**

Page 3, line 6, after "rotating" insert "amber,"

Re-number accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3037**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; and the impact and availability of community services.

**WHEREAS**, changes in clinical practices and service delivery systems have created a need for new and different responses in caring for individuals with mental illness and drug and alcohol addictions; and

**WHEREAS**, community-based mental health treatment, service, and support options have been developed to support an individual's recovery in or near the individual's family and community; and

**WHEREAS**, a 2002 study of the operations and facilities of the Department of Corrections and Rehabilitation projected that the number of inmates in the state's prison system will continue to grow by approximately three percent annually; and

**WHEREAS**, the 2002 study indicated that the Department of Corrections and Rehabilitation will need additional bed space to avoid a critical prison capacity shortfall, especially for the female offenders; and

**WHEREAS**, consideration has been given to whether collocation of patients and prisoners is appropriate; and

**WHEREAS**, treatment and other programs that provide alternatives to incarceration may reduce the number of inmates and reduce recidivism;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Legislative Council study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; and the impact and availability of community services; and

**BE IT FURTHER RESOLVED**, that in conducting the study, the Legislative Council solicit testimony from interested parties, including individuals receiving services, the individuals' families, administrators and staff at state and community facilities, the Department of Human Services, the Department of Corrections and Rehabilitation, advocacy groups, and the governing boards of state facilities providing services to those individuals; and

**BE IT FURTHER RESOLVED**, that in conducting the study, the Legislative Council study the cost-effectiveness and efficiency of incarcerating large numbers of inmates in a large facility; and

**BE IT FURTHER RESOLVED**, that the Legislative Council may contract with an independent party to conduct the study; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-ninth Legislative Assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1504: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1504 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3078: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3078 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake.

**WHEREAS**, business owners and homeowners adversely impacted by the rising flood waters of Devils Lake were able to use flood insurance proceeds and Federal Emergency Management Agency funds to relocate their homes and businesses; and

**WHEREAS**, property owners, including farmers and ranchers, that have been adversely impacted by the rising flood waters of Devils Lake have not received funds to reimburse them for their losses; and

**WHEREAS**, at least seven miles of a pipeline that supplies municipal drinking water to the city of Devils Lake has been inundated by the rising flood waters of Devils Lake making it impossible to service the pipeline which jeopardizes the drinking water supply for the city of Devils Lake; and

**WHEREAS**, the city of Devils Lake is being challenged to meet stricter drinking water standards for arsenic; and

**WHEREAS**, obtaining a new and reliable source of drinking water for the city of Devils Lake may cost as much as \$30 million; and

**WHEREAS**, the United States Army Corp of Engineers has released its plans for a federal outlet to Devils Lake but the cost of constructing the federal outlet has increased dramatically; and

**WHEREAS**, it would be more economically feasible for the federal government to fund the state outlet;



**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-eighth Legislative Assembly urges Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2026, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 2, line 9, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 14, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 21, after "days" insert ", exclusive of weekends and holidays."

Page 3, line 19, after "days" insert ", exclusive of weekends and holidays."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2060, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2060 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2064: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2064 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2085, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2086, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2086 was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 1025 of the House Journal, Reengrossed Senate Bill No. 2086 is further amended as follows:

Page 1, line 7, remove "to provide an appropriation;"

Page 4, remove lines 23 through 29

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the \$21,000 general fund appropriation and \$21,000 special funds appropriation provided to the Department of Human Services for hiring a facilitator and a

consultant relating to a new fee-for-service payment system for developmental disabilities services providers.

**REPORT OF STANDING COMMITTEE**

**SB 2089: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2089 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2147, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2150, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2150 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2153, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2153 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2188: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 17, after "applicant's" insert "written"

Page 1, line 21, remove "Immunity -"

Page 1, line 23, after "agency's" insert "written"

Page 2, line 3, after "agency's" insert "written"

Page 2, line 4, remove "A child-placing agency is not civilly or criminally liable for refusing to"

Page 2, remove line 5

Page 2, line 6, remove "the agency's religious or moral convictions or policies."

Page 2, line 8, after "agency's" insert "written"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2223, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2223 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2260, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2297, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (18 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). Engrossed SB 2297 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2310, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2310 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2314, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to repeal sections 57-39.2-12.1"

Page 1, remove line 4

Page 1, line 5, remove "retailers for administrative expenses of sales and use tax collection;"

Page 6, remove lines 3 and 4

Page 6, line 14, remove "Section 6 of this Act is effective for taxable events occurring after"

Page 6, remove line 15

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2343, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2343 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2345, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2345 was placed on the Sixth order on the calendar.

Page 1, line 1, after "25-03.1-04" insert ", subsection 3 of section 25-03.1-21, and subsection 1 of section 25-03.1-26"

Page 1, line 2, replace "the preparation of health care directives" with "the disclosure of health information and mental health commitment procedures"

Page 1, after line 23, insert:

**"SECTION 2. AMENDMENT.** Subsection 3 of section 25-03.1-21 of the North Dakota Century Code is amended and reenacted as follows:

3. If a peace officer, physician, psychiatrist, clinical psychologist, or any mental health professional reasonably believes that the respondent is not complying with an order for alternative treatment or that the alternative treatment is not sufficient to prevent harm or injuries to the respondent or others, and that considerations of time and safety do not allow intervention by a court, the designated professional may cause the respondent to be taken into custody and detained at a treatment facility as provided in subsection 3 of section 25-03.1-25 and, within twenty-four hours, exclusive of weekends and holidays, shall file a notice with the court stating the circumstances and factors of the case. The state hospital or public treatment facility must immediately accept, and a private treatment facility may accept, the respondent on a provisional basis. The superintendent or director shall require an immediate examination of the respondent and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the respondent subject to the conditions of the original order or file a notice with the court stating in detail the circumstances and factors of the case. The court shall, within forty-eight hours of receipt of the notice of the superintendent or director, after a hearing and based on the evidence presented and other available information:
  - a. Release the individual from hospitalization and continue the alternative treatment order;
  - b. Consider other alternatives to hospitalization, modify its original order, and direct the individual to undergo another program of alternative treatment for the remainder of the commitment period; or
  - c. Enter a new order directing that the respondent remain hospitalized until discharged from the hospital under section 25-03.1-30.

**SECTION 3. AMENDMENT.** Subsection 1 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the person if the superintendent or director finds that the subject does not meet the emergency commitment standards or file a petition if one has not been filed with the court of the person's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2380: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2380 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2394, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2394 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2398: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2398 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2404, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (16 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2404 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2409, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2418, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the creation of a select committee to study the No Child Left Behind Act of 2001.

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

**SECTION 1. NO CHILD LEFT BEHIND COMMITTEE - APPOINTMENT - POWERS.**

1. The legislative council shall appoint a select committee consisting of five members of the senate and eight members of the house of representatives for the purpose of:
  - a. Monitoring the implementation of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.] and the promulgation of federal regulations implementing the Act;
  - b. Determining the direct and indirect impact of the Act and its regulations on the schools and school districts of this state;

- c. Determining the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state; and
  - d. Monitoring the development and implementation by the superintendent of public instruction of all rules related to or required by the Act.
2. The legislative council shall designate the chairman and vice chairman of the committee.
  3. The committee shall operate under the rules applicable to other legislative council interim committees.
  4. The committee shall report its findings and recommendations to the legislative council, and the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SCR 4001 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "the feasibility and desirability" with "the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursements and competition with private providers."

Page 1, remove line 2

Page 1, line 5, replace "unique" with "specific"

Page 1, line 7, replace "vary" with "are similar"

Page 1, replace lines 9 through 12 with:

**"WHEREAS**, human service centers accept third-party private reimbursement and compete against private providers for the same services and clients; and

**WHEREAS**, the human service centers currently share administrators;"

Page 1, replace lines 15 through 17 with:

"That the Legislative Council study the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursements and competition with the private providers; and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4007, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4007 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4029: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.

Page 1, line 2, after the third comma insert "cultural understanding,"

Page 2, line 4, after the second comma insert "cultural understanding,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4037: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4037 was placed on the Tenth order on the calendar.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Friday, March 28, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**