

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, March 3, 1997

The House convened at 1:30 p.m., with Speaker Timm presiding.

The prayer was offered by Representative Koppelman.

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

A quorum was declared by the Speaker.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1069, HB 1119, HB 1152, HB 1178, HB 1256.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1069**

Page 2, line 19, replace "before" with "Before"

Page 3, line 29, after "2000" insert "and thereafter"

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1119**

Page 1, line 1, remove "to amend and reenact section 46-02-19 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to the type size used to print public officials' names on public documents; and"

Page 1, line 3, replace "section" with "sections" and after "46-02-14" insert "and 46-02-19"

Page 1, line 4, after "bills" insert "and to the type size used to print public officials' names on public documents"

Page 1, remove lines 6 through 16

Page 1, line 16, after "Section" insert "46-02-19 of the North Dakota Century Code and section"

Page 1, line 18, replace "is" with "are"

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1152**

Page 1, line 9, after "price" insert "per job"

Page 1, line 12, overstrike "original contract or subcontract"

Page 1, line 13, after "price" insert "per job"

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1178**

Page 1, line 1, after "to" insert "create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass; to"

Page 1, after line 12, insert:

**"SECTION 2.** A new subsection to section 12.1-22-03 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

This section does not apply to a peace officer in the course of discharging the peace officer's official duties."

Re-number accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1256**

Page 1, line 17, replace "To preserve the lien under this section against subsequent mortgagees," with "Any"

Page 1, line 18, remove "purchasers, or" and replace "creditors, for value and without notice of the lien, on" with "creditor, or lien claimant acquiring any interest in, or lien on,"

Page 1, line 19, after the underscored comma insert "prior to" and replace "shall file a notice of the lien with" with "filing in the central notice system maintained by"

Page 1, line 20, after the first "state" insert ", a notice of the lien provided for in this section, takes free of, or has priority over, the lien", replace the second "secretary of state" with "commissioner", replace "enter" with "index", and replace "indexing" with "notice"

Page 1, line 21, remove ", under the alphabetically arranged names of the"

Page 1, line 22, remove "producers or purchasers"

Page 1, after line 23, insert:

"b. The tax identification number or social security number of the taxpayer."

Page 1, line 24, replace "b" with "c"

Page 2, line 1, replace "c" with "d", after "The" insert "date and", and replace "received" with "indexed"

Page 2, remove line 2

Page 2, line 3, remove "when due"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "indexing system," after "The" insert "notice of", and replace "against subsequent creditors, purchasers," with "of eight a.m. of the first day following the indexing of the notice"

Page 2, line 8, remove "and encumbrancers from the time of the indexing"

Page 2, line 10, replace "refiled with the secretary of state" with "indexed in the central notice system" and after "priority" insert "as to property"

Page 2, line 13, replace "filed" with "indexed" and replace "of lien with" with "in the central notice system"

Page 2, line 14, remove "the secretary of state", replace "file" with "index", and replace "with the" with "in the central notice system"

Page 2, line 15, remove "secretary of state"

Page 2, line 16, remove "filing"

Page 2, line 17, replace "filing" with "indexing"

Renumber accordingly

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2044, SB 2077, SB 2085, SB 2162, SB 2205, SB 2334.

**HOUSE ENROLLING REPORT**

The following bills and resolution were enrolled: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

**SIXTH ORDER OF BUSINESS**

**HCR 3043: REP. NICHOLAS (Agriculture Committee) MOVED** that the amendments on HJ page 764 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3048:** A concurrent resolution directing the Legislative Council to study fee hunting and the qualifications for guides and outfitters.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dorso; Freier; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Hanson; Hausauer; Hawken; Henegar; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Kliniske; Kretschmar; Kunkel; Maragos; Martinson; Mickelson; Nicholas; Oban; Olson; Poolman; Rose; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Tollefson; Torgerson; Wald; Wentz; Speaker Timm

**NAYS:** Axtman; Belter; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Christenson; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovdal; Froseth; Gorder; Grosz; Gulleeson; Gunter; Huether; Jacobs; Johnsen, C.; Johnson, D.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kroeplin; Lloyd; Mahoney; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Sveen; Thompson; Thoreson; Thorpe; Wardner; Warner; Wilkie

**ABSENT AND NOT VOTING:** Fairfield; Weisz

HCR 3048 was declared lost on a recorded roll call vote.

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**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to amend and reenact subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the old-age and survivor insurance system tax levy.

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

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

**ABSENT AND NOT VOTING:** Fairfield; Wald; Weisz

Engrossed SB 2195, as amended, passed and the title was agreed to.

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**MOTION**

**REP. FREIER MOVED** that the House waive the reading of the titles to SB 2024 and SB 2025, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to amend and reenact sections 4-08-01, 4-08-02, 4-08-03, 4-08-04, 4-08-05, 4-08-06, 4-08-07, 4-08-09, 4-08-10, 4-08-11, 4-08-12, 4-08-13, 4-08-14, 4-08-15, 4-08-15.1, and subsections 4 and 5 of section 57-15-06.7 of the North Dakota Century Code, relating to the North Dakota state university extension service and extension agents; and to repeal section 9 of chapter 34 of the 1989 Session Laws, relating to extension service area resource centers.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2024 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2025:** A BILL for an Act to amend and reenact sections 4-05.1-01, 4-05.1-03, 4-05.1-04, 4-05.1-05, 4-05.1-06, 4-05.1-07, 4-05.1-08, 4-05.1-09, 4-05.1-10, 4-05.1-11, 4-05.1-12, and 4-05.1-15 of the North Dakota Century Code, relating to the agricultural experiment station; and to repeal sections 4-05.1-07.1 and 4-05.1-13 of the North Dakota Century Code, relating to grant funds of the Williston research center and the board of visitors of the north central research center.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Fairfield; Weisz

Engrossed SB 2025 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2035:** A BILL for an Act to repeal sections 38-14.1-04.1, 38-14.1-04.2, and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory committee.

**ROLL CALL**

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

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske;

Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2035 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2048:** A BILL for an Act to amend and reenact section 54-40-01 of the North Dakota Century Code, relating to the exercise of joint authority by North Dakota and South Dakota.

#### ROLL CALL

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

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

**NAYS:** Boehm; Carlson; Grosz; Wald

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2048 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2049:** A BILL for an Act to create and enact section 37-17.1-14.5 of the North Dakota Century Code, relating to the interstate mutual aid agreement or compact; to amend and reenact sections 37-17.1-04, 37-17.1-14.2, and 37-17.1-14.3 of the North Dakota Century Code, relating to interstate mutual aid agreements; to repeal section 37-17.1-14.4 of the North Dakota Century Code, relating to the mutual aid agreement or compact; 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 71 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dorso; Freier; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wardner; Wentz; Speaker Timm

**NAYS:** Boehm; Brown; Byerly; Carlson; Christenson; Delzer; Devlin; Drovda; Froseth; Gorder; Grosz; Kempenich; Kerzman; Kroepflin; Lloyd; Murphy; Nichols; Renner; Rennerfeldt; Skarphol; Tollefson; Wald; Warner; Wilkie

**ABSENT AND NOT VOTING:** Fairfield; Weisz

Engrossed SB 2049 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2069:** A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 6-09-15 and section 15-62.1-03 of the North Dakota Century Code, relating to interest provisions in guaranteed student loan agreements.

### ROLL CALL

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

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

**NAYS:** Carlson; Delzer; Skarphol

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2069 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2075:** A BILL for an Act to amend and reenact sections 49-22-03 and 49-22-07 of the North Dakota Century Code, relating to transmission facilities and power emergencies.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Fairfield; Weisz

Engrossed SB 2075 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2079:** A BILL for an Act to create and enact a new subsection to section 61-04-01.1 of the North Dakota Century Code, relating to the definition of rural water system; and to amend and reenact sections 61-04-06.2, 61-04-23, 61-04-24, and 61-04-25 of the North Dakota Century Code, relating to forfeiture of water rights held by rural water supply systems.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2079 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to create and enact section 38-08-04.12 of the North Dakota Century Code, relating to liens of the industrial commission on well-site equipment; and to amend and reenact subdivision g of subsection 1 of section 38-08-04.5 of the North Dakota Century Code, relating to deposit of money in the abandoned oil and gas well plugging and site reclamation fund.

**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 21 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Byerly; Callahan; Drovdal; Froseth; Glassheim; Grumbo; Gulleon; Kelsh, S.; Kerzman; Mahoney; Maragos; Murphy; Nicholas; Oban; Rose; Sandvig; Skarphol; Wald; Wilkie

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Freier; Galvin; Gerntholz; Gorder; Grande; Grosz; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nelson; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Fairfield; Weisz

SB 2082 was declared lost.

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**MOTION**

**REP. DORSO MOVED** that SB 2164 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to purchases and agreements for the use of road machinery; 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 NOT PASS, the roll was called and there were 75 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brown; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Galvin; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Kroeplin; Kunkel; Lloyd; Mahoney; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Berg; Brusegaard; Delzer; Dorso; Freier; Froseth; Grande; Hawken; Jensen; Johnsen, C.; Klein; Kliniske; Koppelman; Kretschmar; Maragos; Martinson; Mickelson; Poolman; Price; Svedjan

**ABSENT AND NOT VOTING:** Fairfield; Weisz

Engrossed SB 2164 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. DORSO MOVED** that SCR 4008 be removed from the Consent Calendar and be placed on the Fourteenth order of business on tomorrow's calendar, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS AND SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**HCR 3036:** A concurrent resolution commending Leland Stenehjem, Jr., upon his election as President of the Independent Bankers Association of America.

**HCR 3044:** A concurrent resolution directing the Legislative Council to study the impact of tax-exempt property on school districts.

**HCR 3046:** A concurrent resolution directing the Legislative Council to study the barriers to affordable housing for middle income households, for the elderly, and in rural areas of this state.

**HCR 3049:** A concurrent resolution directing the Legislative Council to study additional improvements to the legislative process that ensure an accessible, productive citizen legislature.

**HCR 3052:** A concurrent resolution directing the Legislative Council to study the property tax exemption for charitable organizations.

**SCR 4004:** A concurrent resolution directing the Legislative Council to study methods through which North Dakota and South Dakota can collaborate to deliver government services more efficiently.

**SCR 4009:** A concurrent resolution urging Congress to require the Federal Crop Insurance Corporation to develop and maintain an insurance program for canola.

**SCR 4017:** A concurrent resolution directing the Legislative Council to study legislative employee compensation.

**SCR 4023:** A concurrent resolution directing the Legislative Council to study the process of privatization and contracting for public sector services.

#### ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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



Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Maragos

**ABSENT AND NOT VOTING:** Fairfield; Weisz

HCR 3036, HCR 3044, HCR 3046, HCR 3049, HCR 3052, SCR 4004, SCR 4009, SCR 4017, and SCR 4023 were declared adopted on a recorded roll call vote.

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#### POINT OF PERSONAL PRIVILEGE

**REP. AARSVOLD:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

Congratulations to Coach Tim Miles and the Mayville State University Comets men's basketball team as they prepare to compete in the NAIA national tournament in Napa, Idaho. Co-champions of the North Dakota Collegiate Athletic Conference, the Mayville State Comets will be competing in their second straight national tournament after playoff victories over fine teams from Jamestown College, the University of Mary, and the University of Minnesota at Crookston.

This most recent athletic success is but one indicator of quality programming, both cocurricular and academic. The Blackburn Award presented jointly to Mayville State and Valley City State recognizes the most outstanding administrative leadership model in the United States. The Harvard Medical School came in second. The 1996 accreditation report from the National Council for the Accreditation of Teacher Education includes two rarely given commendations for the exemplary programming. Mayville State University was one of three schools which received National Science Foundation funding for its mathematics specialist program. 142 colleges competed for that funding.

In conclusion, Mr. Speaker, we commend Mayville State University for its success and wish them the best as they compete for yet another national honor.

#### ANNOUNCEMENT BY SPEAKER

**SPEAKER TIMM ANNOUNCED** that the reports received by the House under statutory requirements requiring that reports be filed with the Legislative Assembly would be filed with the Legislative Council.

#### MOTION

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

#### MOTION

**REP. FREIER MOVED** that the House be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 4, 1997, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HCR 3013: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING). HCR 3013 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first "the" insert "fundamental"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3016: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3016 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3021: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "the present" with "sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of"

Page 1, line 9, replace "the present" with "sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of"

Page 2, remove lines 1 through 3

Page 2, line 29, replace "The present" with "Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of" and replace "is" with "are"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3022: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HCR 3022 was placed on the Sixth order on the calendar.

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

Page 1, line 2, remove "and the state board of public education"

Page 1, line 8, replace "two" with "a" and replace "sections" with "section"

Page 1, line 10, remove "and to a state board of public education to supervise the system of elementary and"

Page 1, line 11, remove "secondary education"

Page 1, line 17, replace "two" with "a", and replace "sections" with "section"

Page 2, remove lines 3 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3023: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HCR 3023 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3024: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3024 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3025: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3025 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3040: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3047: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3053: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3053 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2038: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2039, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2039 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2070, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2070 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "county director of tax equalization" with "township clerk or city assessor"

Page 1, line 22, overstrike "county director of tax"

Page 2, line 1, overstrike "equalization" and insert immediately thereafter "township clerk or city assessor" and replace "township clerks or city auditors" with "assessor"

Page 2, line 6, replace "county director of tax equalization" with "township clerk"

Page 2, line 11, overstrike "county director of tax"

Page 2, line 12, overstrike "equalization" and insert immediately thereafter "township clerk or city assessor" and replace "township clerks or city auditors" with "assessor"

Page 2, line 17, replace "county director of tax equalization" with "city auditor"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2091, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2091 was placed on the Sixth order on the calendar.

Page 1, line 9, after the second "program" insert "contracted," and after "developed" insert an underscored comma

Page 1, line 12, replace "VI" with "XI"

Page 1, line 15, replace the underscored semicolon with ". A state agency, institution, department, or board may"

Page 1, line 17, remove the underscored semicolon and after the first "and" insert "may"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2112, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2112 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "a district" with "the nearest available magistrate."

Page 1, remove line 17

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2123: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2123 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2213, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2213 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "personal"

Page 1, line 10, after "any" insert "computer" and remove "that is not in violation of section 16.1-10-02"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2279: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to liens for unpaid earned property or casualty insurance premiums; and to"

Page 1, line 14, after "name" insert "and address"

Page 1, line 15, after the first period insert "The name and address of the lienholder."

3. The social security number of the debtor, or in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number of that person.

4."

Page 1, line 16, overstrike "3" and insert immediately thereafter "5"

Page 1, line 17, overstrike "4" and insert immediately thereafter "6"

Page 1, line 18, overstrike "5" and insert immediately thereafter "7"

Page 1, after line 18, insert:

**"SECTION 2.** A new section to chapter 35-20 of the North Dakota Century Code is created and enacted as follows:

**Amendment of lien for unpaid earned property or casualty insurance premiums.** A lienholder may file an amendment to correct the social security or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the debtor or lienholder. The secretary of state shall prescribe a form that may be used to amend or assign the unpaid earned property or casualty insurance premium lien that has been filed under section 35-20-15. The amendment or assignment of a lien does not affect the priority of the lien."

Renumber accordingly

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 4045:** A concurrent resolution directing the Legislative Council to study state funding of the office of clerk of district court, the issues and problems associated with the continued implementation of court unification, and the effective provision of judicial services to the citizens of this state.

Was read the first time and referred to the **Judiciary Committee.**

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the interrelationship of the postjudgment issues of child support and visitation, including the accountability of both parents to honor divorce orders and the development of a parenting education program that addresses the impact of divorce on children.

Was read the first time and referred to the **Judiciary Committee.**

**SCR 4049:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses.

Was read the first time and referred to the **Judiciary Committee.**

**SCR 4053:** A concurrent resolution directing the Legislative Council to study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

Was read the first time and referred to the **Judiciary Committee**.

**SCR 4054:** A concurrent resolution directing the Legislative Council to study whether the Department of Human Services should reimburse qualified service providers who provide assistive technology devices and services to individuals with disabilities.

Was read the first time and referred to the **Human Services Committee**.

**SCR 4055:** A concurrent resolution directing the Legislative Council to study the potential for expansion of extended area telecommunications service.

Was read the first time and referred to the **Political Subdivisions Committee**.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2204, SB 2219.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2058.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1102, HB 1144, HB 1247, HB 1250, HB 1272, HB 1282, HB 1284, HB 1328, HB 1366, HCR 3014.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4045, SCR 4048, SCR 4049, SCR 4053, SCR 4054, SCR 4055.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2055, SB 2059, SCR 4001.

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

**MR. SPEAKER:** The President has signed: HCR 3006.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2044, SB 2077, SB 2085, SB 2162, SB 2205, SB 2334.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2044, SB 2077, SB 2085, SB 2162, SB 2205, SB 2334.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: SB 2055, SB 2059, SCR 4001.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2055, SB 2059, SCR 4001.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:59 p.m., March 3, 1997: HCR 3006.

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

**ROY GILBREATH, Chief Clerk**