

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, January 25, 2001**

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

The prayer was offered by Reverend Robert Weiss, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 116, after line 21, insert:

**"SECOND READING OF HOUSE BILL**

**HB 1167:** A BILL for an Act to amend and reenact section 24-02-42 of the North Dakota Century Code, relating to the amount of department of transportation educational financial aid and to expand eligible areas of study.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Byerly; Skarphol

**ABSENT AND NOT VOTING:** Lloyd; Maragos

HB 1167 passed and the title was agreed to."

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

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1135, HB 1190, HB 1282, and HB 1325 be adopted, which motion prevailed.

HB 1135, HB 1190, HB 1282, and HB 1325, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**REQUEST**

**REP. GLASSHEIM REQUESTED** the unanimous consent of the House to withdraw HB 1248. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. R. KELSCH MOVED** that HB 1432, which is on the Eighth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, HB 1432 was rereferred.

**MOTION**

**REP. NICHOLAS MOVED** that HB 1390, which is on the Eighth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1390 was rereferred.

**MOTION**

**REP. LLOYD MOVED** that the House reconsider its action whereby Engrossed HB 1181 failed to pass, which motion prevailed.

**MOTION**

**REP. LLOYD MOVED** that Engrossed HB 1181, which is on the Eighth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Lloyd's motion, HB 1181 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1038:** A BILL for an Act to create and enact a new section to chapter 25-06 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 25-06-01, 25-06-02, and 25-06-05 of the North Dakota Century Code, relating to the name of the school for the blind, duties of the school for the blind, and services to nonresidents; and to repeal sections 25-06-04, 25-06-07, and 25-06-09 of the North Dakota Century Code, relating to qualifications for admission, instruction at the school for the blind, and duty to report blind persons.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Wald

HB 1038 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1059:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-08.1 of the North Dakota Century Code, relating to determination of medical care transportation expenses for purposes of the homestead property tax credit for senior citizens; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad;

Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Wald

HB 1059 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1063:** A BILL for an Act to amend and reenact sections 57-36-09.4, 57-38-60.2, 57-39.2-15.2, 57-40.2-15.1, 57-40.2-15.2, 57-43.1-17.3, 57-43.2-16.2, and 57-43.3-21 of the North Dakota Century Code, relating to the personal liability of members in a member-controlled limited liability company for unpaid tobacco products, income withholding, sales or use, motor vehicle fuel, importer for use, special fuels, and aviation fuel taxes; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Wald

HB 1063 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1112:** A BILL for an Act to amend and reenact section 50-24.5-02 of the North Dakota Century Code, relating to the powers of the department of human services relating to the aid to aged, blind, and disabled persons program.

#### 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 16 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Disrud; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gullerson; Hanson; Huether; Kelsh, S.; Kerzman; Kroeber; Maragos; Sandvig; Thorpe; Winrich

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

**ABSENT AND NOT VOTING:** Niemeier; Wald

HB 1112 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1113:** A BILL for an Act to repeal section 23-09.3-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic care bed capacity.

**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 5 YEAS, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Ekstrom; Kelsh, S.; Kerzman; Sandvig; Schmidt

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

**ABSENT AND NOT VOTING:** Wald

HB 1113 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1214:** A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to the usage of long-distance services.

**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 24 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Clark; Ekstrom; Fairfield; Froelich; Glassheim; Gulleson; Hanson; Jensen; Kelsh, S.; Kretschmar; Kroeber; Lemieux; Maragos; Meier; Niemeier; Porter; Sandvig; Thoreson, B.; Thorpe; Warner; Wentz; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, L.; Tieman; Timm; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Wald

HB 1214 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to the credit for long-term care insurance premiums on the short-form income tax return; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boucher; Byerly; DeKrey; Disrud; Dosch; Glassheim; Guleson; Jensen; Johnson, N.; Kelsch, R.; Kerzman; Maragos; Nelson; Niemeier; Nottestad; Porter; Ruby; Sandvig; Thoreson, L.; Tieman; Warner; Weisz

**NAYS:** Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Kasper; Keiser; Kelsch, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Timm; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Wald

HB 1224 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1232:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 14-02.1-03.1, subsection 9 of section 14-02.5-01, subdivision a of subsection 1 of section 14-03-17, sections 14-04-04, 14-05-22, 14-05-23, 14-05-25, and 14-06-02, subsection 4 of section 14-07-15, subsection 4 of section 14-07.1-02, section 14-07.1-02.1, subsection 2 of section 14-07.1-03, sections 14-07.1-05.1, 14-09-04, 14-09-05, 14-09-06, 14-09-06.1, 14-09-06.2, 14-09-06.3, 14-09-06.4, 14-09-06.6, 14-09-07, and 14-09-08.12, subsection 1 of section 14-09-08.18, sections 14-09-24, 14-09-28, 14-09.1-01, 14-09.1-02, 14-09.1-06, 14-09.1-08, and 14-10-05, subsection 1 of section 14-15.1-02, subsection 3 of section 14-17-14, section 14-17-17, subsection 1 of section 14-17-24, subdivision a of subsection 2 of section 15-10-19.1, section 27-05-29, subdivision f of subsection 1 of section 27-05.2-03, subsection 3 of section 32-28-02, and subdivision h of subsection 1 of section 50-09-08.2 of the North Dakota Century Code, relating to the use of the terms custody, visitation, custodial parent, and noncustodial parent.

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

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

**ABSENT AND NOT VOTING:** Wald

HB 1232 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1312:** A BILL for an Act to amend and reenact subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to the rate of the special excise tax for sales of heating fuel or special fuel for an agricultural, industrial, or railroad purpose; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 64 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleon; Hanson; Huether; Jensen; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Meier; Metcalf; Mueller; Nicholas; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

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

**ABSENT AND NOT VOTING:** Wald

HB 1312 was declared lost.

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**REPORT OF STANDING COMMITTEE**

**HB 1047: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1058, as amended, Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 4, after the second period insert:

"1."

Page 1, line 5, after the period insert:

"2."

Page 1, line 9, after the period insert "This subsection does not apply if the superintendent is required by federal law or by the terms of a grant to employ additional personnel.

3."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1066: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "If the property does not have a"

Page 1, line 12, replace "specific interest or dividend rate assigned to it" with "For cash assets" and replace "simple interest at" with "one-half of any interest earned while held by the administrator"

Page 1, line 13, remove "the annual rate of four percent of the property originally received"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1103: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1105: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to

the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1105 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "and"

Page 1, line 16, after "transactions" insert "; and to provide an appropriation"

Page 4, line 24, remove the overstrike over "~~financing~~" and remove "continuation"

Page 58, line 16, remove "or"

Page 58, line 17, replace the second underscored period with "; or

k. In agricultural liens created by chapter 35-17, 35-30, or 35-31."

Page 59, line 25, remove the second "money"

Page 96, line 12, remove "and"

Page 96, line 13, replace the second underscored period with ";

f. Provides a mailing address for the secured party; and

g. Provides a mailing address for the debtor."

Page 112, line 23, replace "that may be admitted into" with an underscored period

Page 112, remove line 24

Page 121, line 18, remove "and"

Page 121, line 19, remove "If the collateral is other than consumer goods:"

Page 121, line 20, remove "(1)"

Page 121, line 23, replace "(2)" with "d."

Page 121, line 26, replace "(a)" with "(1)"

Page 121, line 27, replace "(b)" with "(2)"

Page 121, line 28, replace "(c)" with "(3)"

Page 121, line 30, replace "(3)" with "e."

Page 141, after line 27, insert:

**"SECTION 37. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$21,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of defraying the expenses of providing direct access to the central indexing system, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1106: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "an" with "a verifiable"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1116, as amended, Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 2, replace "medical assistance-covered services and" with "outpatient"

Page 1, line 7, replace "**medical services**" with "**outpatient**"

Page 1, line 8, remove "**and**" and remove "The department may require prior authorization of medical services before"

Page 1, line 9, remove "providing medical assistance coverage of medical services."

Page 1, line 13, replace "seven-day" with "thirty-day"

Page 1, line 14, after the period insert "The department shall provide medical assistance coverage of an additional seven-day supply of an outpatient prescription drug while the prior authorization is in process."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1127: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1129: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1129 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1152: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1152 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1211: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1234, as amended, Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "A" and insert immediately thereafter "Except as specified in section 26.1-36-12.4, a"

Page 2, line 2, replace the underscored colon with "a"

Page 2, line 3, remove "a. A"

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove lines 5 through 7

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1241: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1242: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**HB 1247: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1255: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1259: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1279: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1279 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1294: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1294 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1329 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1331: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1331 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1233, as amended, Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 15, after "processing" insert "unless there is a contractual agreement between the provider and the insurer concerning payment for medical records"

Page 2, line 1, after "26.1-36-12.4" insert "and this subsection"

Page 2, line 3, after the period insert "A written medical records release providing consent to release medical records to a medical provider being advised or consulted concerning the current treatment of the patient does not expire after three years if the patient or the patient's authorized representative expressly authorizes the consent to exceed three years."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1238: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1263: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (8 YEAS, 7 NAYS, ABSENT AND NOT VOTING). HB 1263 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1264: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (10 YEAS, 5 NAYS, ABSENT AND NOT VOTING). HB 1264 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1274: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2048.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2137.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2078, SB 2105, SB 2111, SB 2183, SB 2185, SB 2240.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2230.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1028, HB 1030, HB 1064, HB 1067, HB 1068, HB 1091, HB 1107, HB 1118, HB 1133, HB 1138, HB 1139, HB 1140, HB 1143, HB 1158, HB 1166, HB 1175, HB 1189, HB 1195, HB 1296.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1026, HB 1197.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Kasper, Byerly, Wald and Sens. Christmann, Espegard, Fischer introduced:

**HCR 3020:** A concurrent resolution urging the United States Army Corps of Engineers to promote private access to and private development on lands it owns and manages around Lake Sakakawea.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Kasper, B. Thoreson, Wald and Sens. Espegard, Fischer, Robinson introduced:

**HCR 3021:** A concurrent resolution expressing appreciation for passage of the Dakota Water Resources Act and urging Congress to fully fund the federal share of the water projects in that Act.

Was read the first time and referred to the **Natural Resources Committee**.

**FIRST READING OF SENATE BILLS**

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; and to provide a statement of legislative intent.

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

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

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

**SB 2035:** A BILL for an Act to create and enact sections 12.1-20-05.1 and 12.1-20-12.2 and a new section to chapter 29-04 of the North Dakota Century Code, relating to sexual offenses, the luring of minors by computer, and a statute of limitations for gross sexual imposition; to amend and reenact subsection 4 of section 12.1-20-02, sections 12.1-20-04, 12.1-20-05, 12.1-20-12.1, subsection 1 of section 12.1-31-01, subdivision e of subsection 1 of section 12.1-32-15, and subdivision c of subsection 5 of section 15-36-15.1 of the North Dakota Century Code, relating to sexual offenses and disorderly conduct; to repeal section 12.1-22-03.1 of the North Dakota Century Code, relating to surreptitious intrusion; and to provide a penalty.

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

**SB 2082:** A BILL for an Act to create and enact a new subsection to section 54-52-17.4 of the North Dakota Century Code, relating to purchase of service credit under the public employees retirement system; to amend and reenact subsection 11 of section 54-52-04, subsection 4 of section 54-52-17, subsection 6 of section 54-52-17, subsection 4 of section 54-52-17.4, and sections 54-52-17.5, 54-52-17.10, 54-52-26, 54-52.2-03, and 54-52.2-04 of the North Dakota Century Code, relating to funding of administrative

expenses of the deferred compensation plan, computation of benefits, determination of normal retirement date, beneficiary designations, cost of credit purchases, postretirement adjustments, prior service retiree adjustments, confidentiality of records, and deferred compensation under the public employees retirement system; to repeal section 54-52-17.9 of the North Dakota Century Code, relating to prior service retiree adjustments under the public employees retirement system; and to provide an effective date.

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

**SB 2090:** A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to exempt securities transactions; to amend and reenact section 10-04-04, subsections 5 and 8, paragraph 6 of subdivision b of subsection 9, and paragraph 3 of subdivision a of subsection 16 of section 10-04-06, subsection 1 of section 10-04-08.4, sections 10-04-10 and 10-04-10.1, subsection 1 of section 10-04-14, section 10-04-15, subsection 1 of section 10-04-16, and sections 10-04-16.1 and 10-04-18 of the North Dakota Century Code, relating to registration of securities, exempt transactions, federal covered securities, registration of dealers, agents, investment advisers, and investment adviser representatives, investment advisory activity, consent to service of process, fraudulent practices, the authority of the securities commissioner to conduct investigations and to issue orders, and statutes of limitation; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

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

**SB 2120:** A BILL for an Act to amend and reenact section 38-08-09.5 of the North Dakota Century Code, relating to the industrial commission's oversight of the creation of units for the further development of oil and gas and changing ratification requirements for these units.

Was read the first time and referred to the **Natural Resources Committee**.

**SB 2148:** A BILL for an Act to amend and reenact sections 15.1-01-03, 15.1-12-05, 15.1-12-09, 15.1-12-10, and 15.1-12-27 of the North Dakota Century Code, relating to school district annexations, reorganizations, and dissolutions.

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

**SB 2158:** A BILL for an Act to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to interest earned from the sale of veterans' cemetery license plates.

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

**SB 2167:** A BILL for an Act to amend and reenact subsection 1 of section 4-35-09 and subsection 13 of section 4-35-15 of the North Dakota Century Code, relating to regulation of pesticide applicators.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4001:** A concurrent resolution directing the Legislative Council to study the property tax exemption for institutions of public charity providing a combination of health and housing services.

Was read the first time and referred to the **Finance and Taxation Committee**.

**SCR 4010:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing classifications for roads and unproductive land for property tax purposes.

Was read the first time and referred to the **Finance and Taxation Committee**.

#### **MOTION**

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

#### **MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 26, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**