

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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**Bismarck, March 15, 2001**

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

The prayer was offered by Pastor Dave Sjostrom, Capital Christian Church, Bismarck.

The roll was called and all members were present except Representatives Bellew, Belter, Hunskor, and L. Thoreson.

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 Forty Third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 881, line 6 replace Speaker Bernstein with Acting Speaker Wald

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

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 14, 2001, I have signed the following: HB 1029, HB 1030, HB 1035, HB 1038, HB 1053, HB 1063, HB 1079, HB 1085, HB 1086, HB 1093, HB 1104, HB 1117, HB 1120, HB 1122, HB 1123, HB 1124, HB 1135, HB 1139, HB 1148, HB 1152, HB 1155, HB 1176, HB 1195, HB 1207, HB 1258, HB 1300, HB 1351, HB 1374, and HB 1471.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2034 SB 2246, and SB 2265 be adopted, which motion prevailed.

SB 2034, as amended, was rereferred to the **Appropriations Committee**.

SB 2246 and SB 2265, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. M. KLEIN MOVED** that the House do not concur in the Senate amendments to HB 1099 as printed on HJ page 887 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1099: Reps. Grande, Kroeber, Skarphol.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. M. KLEIN MOVED** that the House do concur in the Senate amendments to HB 1101 as printed on HJ page 887, which motion prevailed on a voice vote.

HB 1101, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1101:** A BILL for an Act to amend and reenact subsection 4 of section 15-39.1-04, subdivision a of subsection 11 of section 15-39.1-04, and sections 15-39.1-16, 15-39.1-19.1, and 15-39.1-30 of the North Dakota Century Code, relating to definitions, annuities, participation by retired members who have resumed teaching, and confidentiality of records under the teachers' fund for retirement; to provide an effective date; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed HB 1101 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to HB 1166 as printed on HJ page 891, which motion prevailed on a voice vote.

HB 1166, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1166:** A BILL for an Act to amend and reenact section 48-01.1-04 of the North Dakota Century Code, relating to the department of transportation procuring plans and specifications for buildings to be used for the storage and housing of road materials, machinery, equipment, and tools; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; 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.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Maragos; Thoreson, L.

Engrossed HB 1166 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1294 as printed on HJ page 888 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1294: Reps. Grumbo, Jensen, L. Thoreson.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. FROSETH MOVED** that the House do concur in the Senate amendments to HB 1336 as printed on HJ page 888, which motion prevailed on a voice vote.

HB 1336, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1336:** A BILL for an Act to repeal section 2 of chapter 188 of the 1987 Session Laws, relating to reversion of property not used as a fairgrounds in Stark County.

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

**YEAS:** Aarsvold; Belter; 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; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed HB 1336 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to HB 1452 as printed on HJ pages 890-891, which motion prevailed on a voice vote.

HB 1452, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1452:** A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to experimental vehicles; to provide a penalty; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; 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; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed HB 1452 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2086:** A BILL for an Act to amend and reenact subsection 7 of section 21-03-07 of the North Dakota Century Code, relating to general obligation bonds that may be issued by the governing body of a school district without a vote upon the question of the issuance of the bonds.

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

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

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed SB 2086 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2118:** A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Boucher; Hunskor; Thoreson, L.

Engrossed SB 2118 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to determination of the trigger price that determines application of oil extraction tax rates and exemptions; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed SB 2205 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2226:** A BILL for an Act to amend and reenact sections 34-01-20 and 34-11.1-04 of the North Dakota Century Code, relating to prohibited employer retaliation for employee reporting of violations of laws, ordinances, or regulations.

#### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; 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; 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.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed SB 2226 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2374:** A BILL for an Act to amend and reenact subsection 1 of section 57-35.3-05 of the North Dakota Century Code, relating to financial institutions tax credits for contributions to support institutions of higher education; 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 NOT PASS, the roll was called and there were 38 YEAS, 55 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Disrud; Ekstrom; Fairfield; Glassheim; Grumbo; Gunter; Hanson; Hawken; Huether; Jensen; Johnson, N.; Keiser; Kelsh, S.; Kerzman; Klein, F.; Klemin; Koppang; Kretschmar; Kroeber; Lemieux; Maragos; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Winrich

**NAYS:** Belter; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Gullerson; Haas; Herbel; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Kliniske; Koppelman; Lloyd; Mahoney; Martinson; Meier; Monson; Nelson; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Tieman; Timm; Weiler; Weisz; Wikenheiser; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Hunskor; Thoreson, L.

Engrossed SB 2374 lost.

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#### SECOND READING OF SENATE BILL

**SB 2446:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to exclusions from the definition of

administrative agency; and to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of sexual offenders and offenders against children.

#### 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, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; 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; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Brekke; Froelich; Glassheim; Hunskor; Kelsh, S.; Kerzman; Nicholas; Thoreson, L.

Engrossed SB 2446 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2248:** A BILL for an Act to amend and reenact section 47-02-27.1 of the North Dakota Century Code, relating to contingent property interests in personal property.

#### 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 32 YEAS, 60 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Brekke; Carlson; Clark; Delzer; Dosch; Froseth; Galvin; Grande; Grosz; Herbel; Jensen; Johnson, N.; Kasper; Keiser; Klein, M.; Kliniske; Koppelman; Lemieux; Lloyd; Meier; Nelson; Nicholas; Pollert; Porter; Renner; Rennerfeldt; Skarphol; Thoreson, B.; Timm; Weiler; Acting Speaker Wald

**NAYS:** Aarsvold; Belter; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Huether; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Koppang; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Metcalf; Monson; Mueller; Niemeier; Nottestad; Onstad; Pietsch; Price; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Froelich; Hunskor; Thoreson, L.

SB 2248 lost.

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#### SECOND READING OF SENATE BILL

**SB 2327:** A BILL for an Act to amend and reenact sections 23-02.1-09, 23-02.1-10, and 23-02.1-13, subsection 1 of section 23-02.1-14, sections 23-02.1-19, 23-02.1-20, and 23-02.1-21, and paragraph 2 of subdivision a of subsection 3 of section 50-09-08.2 of the North Dakota Century Code, relating to birth, death, and fetal death certificates.

#### 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, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hawken; Herbel; Huether; 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; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Acting Speaker Wald

**ABSENT AND NOT VOTING:** Bellew; Berg; Bernstein; Boucher; Froelich; Haas; Hunskor; Mahoney; Maragos; Solberg; Thoreson, L.

SB 2327 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1107.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1182, HB 1398, HCR 3034.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1182**

Page 2, line 8, replace "leased by" with "institution functions:"

Page 2, remove lines 9 and 10

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1398**

In lieu of the amendments printed on page 743 of the Senate Journal, Engrossed House Bill No. 1398 is amended as follows:

Page 2, line 9, replace "may be disclosed to an" with "is an open record."

Page 2, remove line 10

Page 2, line 13, replace "inmate" with "a sentenced inmate's"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3034**

Page 1, line 2, after "compensation" insert "permanent partial impairment"

Page 1, replace lines 16 and 17 with:

**"WHEREAS**, an employee injured on the job may receive a permanent partial impairment benefit from the North Dakota Workers Compensation Bureau based on the injured worker's loss of use of a body part due to the work injury; and

**WHEREAS**, unlike other states, a permanent partial impairment award in North Dakota is not based on wages lost or on the worker's ability to do his or her job; and

**WHEREAS**, the Social Security Administration also offsets North Dakota workers' compensation permanent partial impairment awards against social security disability payments even though the permanent partial impairment awards are not disability benefits; and

**WHEREAS**, the offset of permanent partial impairment awards results in a substantial loss of benefits to the injured worker;"

Page 1, line 22, after "compensation" insert "permanent partial impairment"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1193, HB 1302, HB 1329, HB 1342, HB 1422, HB 1424, HCR 3012, HCR 3029, HCR 3031, HCR 3060, HCR 3062.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2063, SB 2073, SB 2148, and SB 2172.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1031, HB 1047, HB 1059, HB 1170, and HB 1405.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1099 and HB 1294 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1099:** Reps. Grande; Skarphol; Kroeber

**HB 1294:** Reps. Jensen; L. Thoreson; Grumbo

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1058 and HB 1363 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1058:** Reps. Nelson; Bellew; Mueller

**HB 1363:** Reps. Maragos; Disrud; Delmore

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 15, 2001: HB 1156, HB 1158, HB 1191, HB 1192, HB 1211, HB 1240, HB 1255, HB 1290, HB 1303, HB 1323, HB 1325, HB 1332, HB 1335, HB 1339, HB 1364, HB 1375, HB 1404, HB 1449, HB 1450, HB 1469.

**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 2151, SB 2154, SB 2206, SB 2212, SB 2215, SB 2254, SB 2334, SB 2372, SCR 4018, SCR 4019.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCR 3010, HCR 3023, HCR 3024, HCR 3047, HCR 3052.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1027, HB 1031, HB 1033, HB 1044, HB 1047, HB 1059, HB 1071, HB 1074, HB 1075, HB 1084, HB 1089, HB 1091, HB 1118, HB 1154, HB 1167, HB 1170, HB 1175, HB 1185, HB 1186, HB 1198, HB 1199, HB 1205, HB 1225, HB 1236, HB 1239, HB 1252, HB 1266, HB 1271, HB 1277, HB 1284, HB 1324, HB 1327, HB 1356, HB 1378, HB 1392, HB 1405, HB 1453.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2046, SB 2059, SB 2060, SB 2062, SB 2126, SB 2136, SB 2164, SB 2174, SB 2211, SB 2231, SB 2341.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled resolutions: HCR 3010, HCR 3023, HCR 3024, HCR 3047, HCR 3052.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1027, HB 1031, HB 1033, HB 1044, HB 1047, HB 1059, HB 1071, HB 1074, HB 1075, HB 1084, HB 1089, HB 1091, HB 1118, HB 1154, HB 1167, HB 1170, HB 1175, HB 1185, HB 1186, HB 1198, HB 1199, HB 1205, HB 1225, HB 1236, HB 1239, HB 1252, HB 1266, HB 1271, HB 1277, HB 1284, HB 1324, HB 1327, HB 1356, HB 1378, HB 1392, HB 1405, HB 1453.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2082, SB 2120, SB 2142, SB 2192, SB 2208, SB 2210, SB 2318, SB 2443.



**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2129, SB 2160, SB 2196.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2080, SB 2139, SB 2218.

**REPORT OF STANDING COMMITTEE**

**SB 2039, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2039 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "two" with "five" and remove "fifty"

Page 1, line 15, replace "two" with "five" and remove "fifty"

Page 1, line 23, replace "two" with "five" and remove "fifty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2045: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 14-05-24 and"

Page 1, line 2, after "to" insert "the division of property in divorce proceedings and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is amended and reenacted as follows:

**14-05-24. Permanent alimony— Division of property.**

1. ~~When a divorce is granted, the court shall make such an equitable distribution of the real and personal property and debts of the parties as may seem just and proper, and may compel either of the parties to provide for the maintenance of the children of the marriage, and to make such suitable allowances to the other party for support during life or for a shorter period as to the court may seem just, having regard to the circumstances of the parties respectively. The court from time to time may modify its orders in these respects.~~
2. The court may redistribute property in a postjudgment proceeding if a party has failed to disclose property and debts as required by rules adopted by the supreme court, or the party fails to comply with the terms of a court order distributing property and debts.

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2055: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2066: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2066 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2105, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2105 was placed on the Sixth order on the calendar.

Page 2, line 8, remove "this" and after "chapter" insert "27-20"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2116, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "and" with a comma

Page 1, line 2, after "27-20-02" insert ", and section 40-18-14"

Page 1, line 8, remove the overstrike over "~~an infraction~~" and remove "a noncriminal offense"

Page 2, line 2, overstrike "1 or"

Page 2, line 3, after "dollars" insert "for a minor fourteen years of age or older who has been charged with an offense under subsection 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt"

Page 2, line 4, replace "person" with "minor fourteen years of age or older" and remove "1 or"

Page 2, line 7, replace "under this section" with "of subsection 2"

Page 2, line 19, replace "under this section" with "of subsection 2"

Page 2, after line 26, insert:

"c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt."

Page 2, line 28, overstrike "this section" and insert immediately thereafter "subsection 2"

Page 3, line 9, after "offense" insert "committed by a minor fourteen years of age or older"

Page 3, line 10, after "under" insert "subsection 2 of" and after "12.1-31-03" insert "or an equivalent local ordinance or resolution"

Page 3, after line 14, insert:

**"SECTION 3. AMENDMENT.** Section 40-18-14 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-18-14. Municipal judge may enforce orders and judgments and punish for contempt.** A municipal judge ~~has the power to~~ may enforce due obedience to the court's orders and judgments. The judge may fine or imprison for contempt committed in the judge's presence while holding court, as well as for contempt of process issued, and of orders made by the judge. When an act or omission constituting a contempt in a municipal court is not committed in the presence of the municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest thereupon may issue on which the person accused may be arrested and brought before the municipal judge immediately. The person must be given a reasonable opportunity to employ counsel and defend against the alleged contempt. After hearing the allegations and proofs, the municipal judge may discharge the person or adjudge the person guilty and may punish by fine or imprisonment or both. The fine in any case may not be more than one thousand dollars and the imprisonment may not be more than thirty days. In addition, a person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the municipal judge to a sanction or order designed to ensure compliance with payment of the fee or fine, or to an alternative sentence or sanction including community service.

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2181, as reengrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 40-57.3 and"

Page 1, line 2, remove "authority of cities to impose"

Page 1, line 3, remove "motor vehicle rental taxes and a" and remove "to amend"

Page 1, remove line 4

Page 1, line 5, remove "limitations on the sales tax exemption for rentals of motor vehicles;"

Page 1, remove lines 8 through 15

Page 1, remove the underscore under lines 18 and 19

Page 1, line 20, remove the underscore under "surcharge on each rental contract at the time a vehicle" and insert immediately thereafter "of a gross vehicle weight of ten thousand pounds [4535.92 kilograms] or less" and remove the underscore under "is rented from the company in this state."

Page 1, remove the underscore under lines 21 and 22

Page 1, line 23, remove the underscore under "contract, excluding taxes" and insert immediately thereafter ", fuel collections, or other ancillary products sold to customers such as collision damage waiver, supplemental liability protection, personal accident insurance, and personal effects coverage" and remove the underscore under the period

Page 2, remove the underscore under lines 1 through 15

Page 2, remove lines 16 through 21

ReNUMBER accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2187, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2187 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 a legislative council study of trusts for individuals with disabilities.

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

**SECTION 1. TRUSTS FOR INDIVIDUALS WITH DISABILITIES - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying trusts for individuals with disabilities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

ReNUMBER accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2252, as reengrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2252 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2256: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2256 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2257, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2257 was placed on the Sixth order on the calendar.

Page 1, line 20, after the first "judge" insert "licensed to practice law in this state"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2267, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2267 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2281, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "may be" with "is"

Page 1, line 11, after "state" insert "upon entry into this state"

Page 1, line 14, after "person" insert "in this state"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2297, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2297 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2299, as reengrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 10, after the semicolon insert "to provide a continuing appropriation;"

Page 15, line 7, after "**revenue**" insert "- Continuing appropriation"

Page 15, line 18, replace "received by" with "certified to the state treasurer for each"

Page 15, line 19, remove the first "the" and after "year" insert ", except that through December 31, 2009, the portion of the revenue allocation to each county which is attributable to a coal gasification coal conversion facility must exclude consideration of calendar year 2001, and be based on calendar year 2000 or the appropriate year after 2001, whichever is greater"

Page 15, line 20, replace "it received" with "the amount certified to the state treasurer for that county"

Page 15, line 24, after "subsection" insert "to the county."

Page 15, line 25, replace "the general fund to the county" with "collections received under section 57-60-02," and after the underscored period insert "The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2234: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2234 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2336, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Sixth order on the calendar.

Page 1, after line 23, insert:

"(3) The taxpayer shall apply to the director of the department of economic development and finance for certification that the research and development center and its expenditures are qualified for the deduction under this subdivision. The director shall provide the taxpayer with a certificate of approval, a copy of which must be attached to each return on which the deduction is claimed."

Page 2, line 1, replace "3" with "4"

Page 2, after line 2, insert:

"(5) The taxpayer shall maintain production operations in this state for ten years. If the taxpayer relocates any part of its production facilities outside this state within the ten-year period, the deduction is disallowed. The director shall notify the tax commissioner of the relocation. Within ninety days after the relocation, the taxpayer shall file an amended return, or provide other information as required by the tax commissioner, for the tax year in which the deduction was claimed to report the disallowed deduction and pay the tax due. Notwithstanding the time periods for assessment in section 57-38-38, if the taxpayer fails to file the amended return, the tax commissioner may assess any tax attributable to the deduction."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2342: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2342 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2344: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2344 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2361, as reengrossed and amended: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2361, as amended, was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 21, remove "Any information or material distributed"

Page 1, remove lines 22 through 24

Page 2, line 9, after the period insert "The materials required under this subsection must be reviewed, updated, and reprinted as needed."

Page 2, line 10, overstrike "this section" and insert immediately thereafter "subsection 1" and remove "be reviewed, updated, and if"

Page 2, line 11, remove "needed, reprinted at least once every four years, must"

Page 2, line 13, after "and" insert ", except for copyrighted material."

Page 2, line 14, after "website" insert ". The department may make the copyrighted material available on its internet website if the department pays the copyright royalties"

Page 2, remove lines 15 through 28

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2365, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2365 was placed on the Sixth order on the calendar.

Page 1, line 9, replace ", an assistance dog is" with ":

1. "Assistance dog" includes"

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 8, after "international" insert ", international federation of guide dog schools, or United States council of dog guide schools"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2384, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2384 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 amend and reenact section 50-25.1-11 of the North Dakota Century Code, relating to authorized disclosures of confidential records.

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

**SECTION 1. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**50-25.1-11. Confidentiality of records - Authorized disclosures.** All reports made under this chapter, as well as any other information obtained, are confidential and must be made available to:

1. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
2. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information in order to determine whether to place ~~such~~the child in protective custody.
3. Authorized staff of the department, appropriate county social service boards, and appropriate state and local child protection team members.
4. Any person who is the subject of a report; provided, however, that the identity of persons reporting under this chapter is protected.
5. Public officials and their authorized agents who requires~~such~~ the information in connection with the discharge of their official duties.
6. A court whenever ~~#~~ the court determines that the information is necessary for the determination of an issue before the court.

7. A person engaged in a bona fide research purpose; provided, however, that no information identifying the subjects of a report is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.
8. A person who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.
9. Parents or a legally appointed guardian of a child who is suspected of being, or having been, abused or neglected, provided the identity of persons making reports or supplying information under this chapter is protected. Unless the information under section 44-04-18.7 is confidential, when a decision is made that services are required to provide for the protection and treatment of an abused or neglected child, the department shall make a good-faith effort to provide written notice of the decision to persons identified in this subsection. The department shall consider any known domestic violence when providing notification under this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2406, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2408, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2408 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2424, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2424 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2444, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2444 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "section 12.1-32-09,"

Page 1, line 6, after "offenses" insert "and enhanced sentencing"

Page 1, after line 9, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-32-09 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-32-09. Dangerous special offenders - Habitual offenders - Extended sentences - Procedure.**

1. A court may sentence a convicted offender to an extended sentence as a dangerous special offender or a habitual offender in accordance with ~~the provisions of~~ this section upon a finding of any one or more of the following:
  - a. The convicted offender is a dangerous, mentally abnormal person. ~~The court may not make such a finding unless the presentence report, including a psychiatric examination, concludes that the offender's whose~~ conduct has been characterized by persistent aggressive behavior, ~~and that such~~ the behavior makes the offender a serious danger to other persons.
  - b. The convicted offender is a professional criminal. ~~The court may not make such a finding unless the offender is an adult and the presentence report shows that the offender who~~ has substantial income or resources derived from criminal activity.

- c. The convicted offender is a habitual offender. The court may not make such a finding unless the offender is an adult and has previously been convicted in any state or states or by the United States of two felonies of class C or above committed at different times when the offender was an adult. For the purposes of this subdivision, a felony conviction in another state or under the laws of the United States ~~shall~~ ~~be~~ ~~is~~ considered a felony of class C or above if it is punishable by a maximum term of imprisonment of five years or more.
- d. The offender was convicted of an offense ~~which~~ ~~that~~ seriously endangered the life of another person and the offender had previously been convicted of a similar offense.
- e. The offender is especially dangerous because the offender used a firearm, dangerous weapon, or destructive device in the commission of the offense or during the flight therefrom.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the offender has been pardoned on the ground of innocence must be disregarded for purposes of subdivision c. In support of findings under subdivision b, it may be shown that the offender has had control of income or property not explained as derived from a source other than criminal activity. For purposes of subdivision b, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and a fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the offender's declared adjusted gross income under chapter 57-38.

- 2. The extended sentence may be imposed in the following manner:
  - a. If the offense for which the offender is convicted is a class A felony, the court may impose a sentence up to a maximum of life imprisonment.
  - b. If the offense for which the offender is convicted is a class B felony, the court may impose a sentence up to a maximum of imprisonment for twenty years.
  - c. If the offense for which the offender is convicted is a class C felony, the court may impose a sentence up to a maximum of imprisonment for ten years.
- 3. Whenever an attorney charged with the prosecution of a defendant in a court of this state for an alleged felony committed when the defendant was over the age of eighteen years has reason to believe that the defendant is a dangerous special offender or a habitual offender, the attorney, at a reasonable time before trial or acceptance by the court of a plea of guilty, may sign and file with the court, and may amend, a notice specifying that the defendant is a dangerous special offender or a habitual offender who upon conviction for the felony is subject to the imposition of a sentence under subsection 2, and setting out with particularity the reasons why the attorney believes the defendant to be a dangerous special offender or a habitual offender. In no case may the fact that the prosecuting attorney is seeking sentencing of the defendant as a dangerous special offender or a habitual offender be disclosed to the jury before a verdict. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, ~~it~~ ~~the~~ ~~court~~ may order the notice sealed and the notices ~~shall~~ ~~is~~ ~~not~~ ~~be~~ subject to subpoena or public inspection during the pendency of ~~such~~ ~~the~~ criminal matter, except on order of the court, but ~~shall~~ ~~be~~ ~~is~~ subject to inspection by the defendant alleged to be a dangerous special offender or a habitual offender and the offender's counsel.
- 4. Upon any plea of guilty, or verdict or finding of guilt of the defendant of such felony, a hearing must be held, before sentence is imposed, ~~by the court sitting without a jury~~ in accordance with this subsection as follows:



- a. By a jury, or the court if a jury is waived by the defendant, if the notice alleges that the defendant is a dangerous special offender under subdivision a, b, d, or e of subsection 1. The jury, or the court if a jury is waived, must find that the defendant is a dangerous special offender under one or more of these subdivisions by proof beyond a reasonable doubt. However, in the case of a notice alleging only subdivision e of subsection 1, the trial jury, or the trial court if a jury is waived, may make a special finding of proof of this subdivision without an additional hearing subsequent to a verdict or finding of guilt.
- b. By the court if the notice alleges that the defendant is a habitual offender under subdivision c of subsection 1. The court must find that the defendant is a habitual offender by a preponderance of the evidence.
5. Except in the most extraordinary cases, the court shall obtain a presentence report and may receive a diagnostic testing report under subsection 5 of section 12.1-32-02 before holding a hearing under this subsection. The court shall fix a time for the hearing and notice thereof must be given to the defendant and the prosecution at least five days prior thereto. The court shall permit the prosecution and counsel for the defendant, or the defendant if the defendant is not represented by counsel, to inspect the presentence report sufficiently ~~prior to~~ before the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion ~~which that~~ that might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant is entitled to compulsory process and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment is prima facie evidence of such former judgment or commitment. ~~If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon~~ the jury or the court finds, after hearing, one or more of the grounds set forth in subsection 1, that the defendant is a dangerous special offender or a habitual offender, the court shall sentence the defendant to imprisonment for an appropriate term within the limits specified in subsection 2. The court shall place in the record its findings including an identification of the information relied upon in making such findings and its reasons for the sentence imposed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4011, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4011 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4020, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 1, after "compensation" insert "and benefit"

Page 1, line 3, replace "place their families" with "are"

Page 1, line 4, replace "the poverty level" with "salaries received by other public employees and by employees in the private sector"

Page 1, line 6, replace "have generally failed to meet or exceed" with "may not have been administered so as to provide all employees with salaries that reflect"

Page 1, line 8, replace "continues the recent trend with respect to" with "addresses" and after "compensation" insert "and benefits"

Page 1, line 11, after "compensation" insert "and benefit"

Page 1, line 13, after the first "salaries" insert "and benefits", after "states" insert "and the private sector in North Dakota", and after the second "salaries" insert "and benefits"

Page 1, line 14, after "employees" insert ", if any,"

Page 1, after line 14, insert:

**"BE IT FURTHER RESOLVED**, that the Legislative Council work with the state employee compensation commission in conducting this study; and"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SCR 4023: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4026: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4038: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4038 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, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 16, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**