

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

\* \* \* \* \*

Bismarck, January 19, 2001

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

The prayer was offered by Pastor Art Scanson, McCabe United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives DeKrey, Lloyd, Maragos, Mueller, Nicholas, Price, Ruby, and Thorpe.

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

Page 143, line 25 delete and **BE PLACED ON THE CONSENT CALENDAR**

**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 1178 and HB 1194 be adopted, which motion prevailed.

HB 1178 and HB 1194, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## REQUEST

**REP. BYERLY REQUESTED** the unanimous consent of the House to withdraw HB 1348. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILL

**HB 1049:** A BILL for an Act to amend and reenact sections 4-30-03.9, 10-19.1-05, 15-18-06, 19-03.1-30, and 26.1-26-11, subsection 6 of section 27-20-02, subsection 1 of section 38-08-09.4, subsection 5 of section 40-47-01.1, subsections 1 and 7 of section 40-63-01, sections 40-63-02, 40-63-03, 40-63-09, 45-22-15, subsection 13 of section 49-21-01, subdivision a of subsection 9 of section 51-25-01, subdivision c of subsection 2 of section 52-06-06.1, and sections 54-44.3-12.2, 57-38-71, 57-38-72, 57-38-73, 57-38-74, 57-39.3-02, 57-40.3-11, and 62.1-02-01 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal chapter 38-18.2 of the North Dakota Century Code, relating to obsolete provisions.

## 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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; 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.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1049, as amended, passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act to amend and reenact section 15-04-10 of the North Dakota Century Code, relating to leasing of school trust lands.

### 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 43 YEAS, 47 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Delmore; Disrud; Dosch; Eckre; Galvin; Haas; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Maragos; Martinson; Meier; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Svedjan; Thoreson, L.; Tieman; Wentz; Speaker Bernstein

**NAYS:** Aarsvold; Boehm; Boucher; Brandenburg; Carlson; Cleary; Delzer; Devlin; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Kasper; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Kretschmar; Kroeber; Lemieux; Mahoney; Metcalf; Niemeier; Onstad; Renner; Sandvig; Schmidt; Severson; Skarphol; Solberg; Thoreson, B.; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham

**ABSENT AND NOT VOTING:** DeKrey; Koppelman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1073, as amended, was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1032:** A BILL for an Act to amend and reenact subsection 1 of section 54-35.2-01 of the North Dakota Century Code, relating to the membership of the advisory commission on intergovernmental relations.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 13 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Boehm; Brusegaard; Byerly; Carlson; Clark; Delzer; Devlin; Grande; Grosz; Haas; Klein, F.; Renner; Rennerfeldt

**ABSENT AND NOT VOTING:** DeKrey; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1032 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1061:** A BILL for an Act to amend and reenact section 39-04-36 of the North Dakota Century Code, relating to the transfer of registration credits.

### 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 2 YEAS, 89 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Galvin; Maragos

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; 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; Mahoney; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1061 was declared lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1062:** A BILL for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to the jurisdiction of county law enforcement officers.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; 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; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1062 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1070:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to gratis hunting licenses for certified hunter education volunteer instructors; and to amend and reenact subsection 18 of section 20.1-03-12 of the North Dakota Century Code, relating to certificate fees.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; 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; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.;

Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1070 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1080:** A BILL for an Act to amend and reenact section 6-03-13.3 of the North Dakota Century Code, relating to factors the state banking board must consider for a banking facility relocation.

### 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 88 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; 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; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Fairfield

**ABSENT AND NOT VOTING:** DeKrey; Gulleeson; Lloyd; Mahoney; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1080 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to amend and reenact section 49-21-01.2 of the North Dakota Century Code, relating to filing fees and exemption from rate of return regulation for the provision of telecommunications service.

### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey; Kelsch, R.; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1090 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1093:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 49-21-02.4 of the North Dakota Century Code, relating to unauthorized charges in telecommunications service and providers.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey; Froelich; Kelsch, R.; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1093 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1104:** A BILL for an Act to amend and reenact sections 11-23-02 and 25-01.1-20, subsection 2 of section 27-17-02, section 36-15-06, subsection 3 of section 40-16-03, and sections 40-33-24, 40-33.1-08, 40-40-04, 40-61-07, and 61-24-10 of the North Dakota Century Code, relating to the duties of the state auditor; and to repeal sections 40-40-12 and 54-10-12 of the North Dakota Century Code, relating to the state auditor.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; 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; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Kelsch, R.; Kerzman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1104 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1122:** A BILL for an Act to amend and reenact sections 46-02-04, 46-02-05, 46-02-06, 46-02-07, and 46-02-09 of the North Dakota Century Code, relating to the acquisition, classifications, specifications, and the authority of the office of management and budget with respect to state printing.

**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 88 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey; Froelich; Kelsch, R.; Kerzman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1122 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1124:** A BILL for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to review and adjustment of rates for legal notices by the office of management and budget.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; 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; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Kelsch, R.; Kerzman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1124 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1154:** A BILL for an Act to amend and reenact section 23-06-21 of the North Dakota Century Code, relating to providing information on the burial locations of wartime veterans; and to repeal section 37-03-12 and chapter 37-16 of the North Dakota Century Code, relating to recording of persons who provided military service during World War II and the Korean hostilities and recording the burial places of wartime veterans.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; 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; Kelsh, S.; Kempenich; Kingsbury;

Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** DeKrey; Kelsch, R.; Kerzman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1154 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1174:** A BILL for an Act to amend and reenact sections 39-33-01, 39-33-02, and 39-33-05 of the North Dakota Century Code, relating to privacy of driver and motor vehicle records; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey; Kelsch, R.; Kerzman; Lloyd; Mueller; Nicholas; Price; Ruby; Thorpe

HB 1174 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### REPORT OF STANDING COMMITTEE

**HB 1098: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1099: 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). HB 1099 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1100: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Sixth order on the calendar.

Page 3, line 23, replace "an employee" with "a member"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1119: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Sixth order on the calendar.

Page 1, line 2, after "program" insert "; and to provide an expiration date"

Page 1, line 22, replace "permanent" with "regular"

Page 2, line 9, after "5." insert "Bonuses paid under this section may not be included in an employee's base salary for purposes of calculating any wage or salary increase.

6."

Page 2, after line 10, insert:

**"SECTION 2. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1120: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "date" insert "; and to declare an emergency"

Page 2, after line 2, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1148: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1148 was placed on the Sixth order on the calendar.

Page 2, line 22, remove "require all"

Page 2, line 23, replace "agencies" with "designate which agencies are required"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1184, as amended, Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 9, remove "The transferor must use a license plate previously removed"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "may apply for duplicate plates."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1186: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1186 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1191: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1191 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1192: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1192 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**SB 2048: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2048 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1143: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1143 was placed on the Sixth order on the calendar.

Page 3, line 8, overstrike "inspected by the chief boiler inspector"

Page 3, line 9, overstrike "which must be determined by the"

Page 3, line 10, overstrike the first "commissioner" and after the period insert "Inspection fees must be determined by the commissioner. Certificate fees are determined by section 26.1-22.1-10."

Page 3, line 14, remove the overstrike over "~~Not more than one hundred~~" and insert immediately thereafter "fifty" and remove the overstrike over "~~dollars may be charged or collected for any one inspection~~"

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "~~special inspections made upon request. All~~" and remove "The commissioner must determine and may"

Page 3, line 18, remove "annually adjust a fee scale for all"

Page 3, line 20, remove the overstrike over "~~must be charged at a rate not to exceed~~", after "~~two~~" insert "three", remove the overstrike over "~~hundred~~", after "~~eighty five~~" insert "fifty", remove the overstrike over "~~dollars per day or~~", and after "~~one~~" insert "two"

Page 3, line 21, remove the overstrike over "~~hundred~~" and remove the overstrike over "~~dollars per half day of four hours or less, plus payment for mileage, meals, and~~"

Page 3, line 22, remove the overstrike over "~~hotel expenses as allowed by sections 44-08-04 and 54-06-09~~" and insert immediately thereafter ", except that the mileage rate for a state-owned vehicle will be the actual amount incurred by the commissioner" and remove the overstrike over "~~The annual fee for the issuance~~"

Page 3, line 23, remove the overstrike over "~~of a reciprocal commission card for a special inspector is~~", after "~~twenty~~" insert "twenty-five", and remove the overstrike over "~~dollars and the annual fee for~~"

Page 3, line 24, remove the overstrike over "~~the issuance of a welder qualified card is ten dollars~~" and remove "and for the annual fee for the issuance of"

Page 3, line 25, remove "an inspector's reciprocal commission card and a welder's qualification card"

Page 3, line 31, remove the overstrike over "of", after "~~fifteen~~" insert "twenty", and remove the overstrike over "~~dollars~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1075: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

**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 2052, SB 2059, SB 2062, SB 2075, SB 2108, SB 2118, SB 2123, SB 2141, SB 2157.

**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 2093, SB 2134, SB 2179.

**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 1092.

**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 1110, HB 1142, HB 1144.

**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 2064, SB 2066, SB 2072, SB 2091, SB 2092, SB 2096, SB 2142.

**FIRST READING OF HOUSE BILLS**

Reps. N. Johnson, Mahoney and Sens. Espegard, C. Nelson introduced:

**HB 1351:** A BILL for an Act to amend and reenact section 6-03-38 of the North Dakota Century Code, relating to the powers of state-chartered banks.

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

Reps. N. Johnson, Disrud, Hawken and Sen. Watne introduced:

**HB 1352:** A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to recall petitions; and to amend and reenact sections 16.1-01-09 and 44-08-21 of the North Dakota Century Code, relating to initiative and referendum petitions and recall petitions of political subdivision officials.

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

Reps. Meier, DeKrey, Delmore, Haas, Weisz and Sen. Lee introduced:

**HB 1353:** A BILL for an Act to create and enact a new section to chapter 44-01 of the North Dakota Century Code, relating to filing of oaths of office; and to amend and reenact sections 44-01-05 and 44-05-04 of the North Dakota Century Code, relating to oaths of civil officers.

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

Reps. Galvin, Byerly, Grande, M. Klein and Sen. Thane introduced:

**HB 1354:** A BILL for an Act to amend and reenact sections 16.1-07-09 and 16.1-15-19 and subsections 5 and 6 of section 16.1-16-01 of the North Dakota Century Code, relating to the counting of absentee ballots.

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

Reps. Froelich, Schmidt and Sens. Bercier, Every, Heitkamp, T. Mathern introduced:

**HB 1355:** A BILL for an Act to amend and reenact section 48-05-01 of the North Dakota Century Code, relating to the display of tribal flags at the state capitol.

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

Reps. Wrangham, DeKrey, Hanson and Sens. Christmann, Freborg introduced:

**HB 1356:** A BILL for an Act to amend and reenact section 20.1-06-08 of the North Dakota Century Code, relating to the governor's proclamation concerning spearfishing from dark houses.

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

Reps. Gulleeson, Onstad, Solberg and Sens. Every, Kroeplin introduced:

**HB 1357:** A BILL for an Act to amend and reenact section 54-59-05 of the North Dakota Century Code, relating to the provision of network services by the information technology department.

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

Reps. Mahoney, Keiser and Sens. Holmberg, C. Nelson introduced:

**HB 1358:** A BILL for an Act to amend and reenact section 27-20-02, subsection 1 of section 27-20-06, sections 27-20-08, 27-20-10, and 27-20-17, subsection 2 of section 27-20-20.1, subsection 1 of section 27-20-22, sections 27-20-25 and 27-20-31, subsection 4 of section 27-20-32.2, subsection 4 of section 27-20-36, and subsection 3 of section 27-20-47, relating to definitions, filing petitions, duties of juvenile supervisors, informal adjustments, continued shelter care, termination of parental rights, and disposition of a delinquent child under the Uniform Juvenile Court Act.

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

Reps. Maragos, Hawken, Wentz introduced:

**HB 1359:** A BILL for an Act to amend and reenact subsection 6 of section 57-15-12.2 of the North Dakota Century Code, relating to park district levies for comprehensive health care programs for employees; and to provide an effective date.

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

Reps. Jensen, Gulleeson, Keiser, F. Klein and Sens. Kilzer, T. Mathern introduced:

**HB 1360:** A BILL for an Act to provide for a North Dakota center for nursing; and to provide an expiration date.

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

Reps. Grumbo, Eckre, Gulleeson, Koppang introduced:

**HB 1361:** A BILL for an Act to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to discretionary days in the school calendar.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Hanson, S. Kelsh, Kroeber, Mahoney and Sens. Heitkamp, Kroeplin introduced:

**HCR 3011:** A concurrent resolution urging Congress to recognize states' rights and rely on states to determine appropriate gun control issues.

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

#### FIRST READING OF SENATE BILLS

**SB 2064:** A BILL for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to the disclosure of information by the state tax commissioner.

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

**SB 2066:** A BILL for an Act to amend and reenact section 2 of chapter 188 of the 1987 Session Laws, relating to reversion of property not used as a fairgrounds in Stark County.

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

**SB 2072:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

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

**SB 2091:** A BILL for an Act to amend and reenact subsection 2 of section 51-19-04 and subdivisions f and g of subsection 2 of section 51-19-13 of the North Dakota Century Code, relating to franchise registration exemptions and the powers of the securities commissioner regarding the issuance of orders.

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

**SB 2092:** A BILL for an Act to create and enact section 50-11-09.1 of the North Dakota Century Code, relating to district court injunctions to stop or prevent a violation of foster care home laws or rules.

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

**SB 2096:** A BILL for an Act to create and enact a new subsection to section 50-11-06.8 of the North Dakota Century Code, relating to when fingerprints and a criminal history record investigation are required of an adult family foster care provider; and to amend and reenact subsection 2 of section 50-11-02, section 50-11-02.4, subsection 5 of section 50-11-06.8, and section 50-11-06.9 of the North Dakota Century Code, relating to when fingerprints are not required of a foster care provider, when a law enforcement agency is to take fingerprints of persons providing foster care services, and when a criminal history record investigation is not required of foster care providers.

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

**SB 2142:** A BILL for an Act to amend and reenact subsections 10 and 11 of section 10-19.1-01, subsection 6 of section 10-19.1-10, subsection 2 of section 10-19.1-19, subsections 1 and 3 of section 10-19.1-31, subsection 2 of section 10-19.1-51, subsection 4 of section 10-19.1-61.1, subsection 3 of section 10-19.1-64, subsections 1 and 2 of section 10-19.1-83, subsections 1 and 3 of section 10-19.1-87, subsection 7 of section 10-19.1-91, subsections 1 and 3 of section 10-19.1-98, section 10-19.1-100, subsection 2 of section 10-31-13, subsection 8 of section 10-31-13.1, subsections 9, 15, and 29 of section 10-32-02, subsection 2 of section 10-32-07, subsection 1 of section 10-32-23, subsection 4 of section 10-32-30, subsection 7 of section 10-32-32, subsection 2 of section 10-32-35, subsection 2 of section 10-32-42, subsection 1 of section 10-32-43, sections 10-32-44 and 10-32-50, subsection 1 of section 10-32-54, subsection 1 of section 10-32-59, section 10-32-62, subsection 1 of section 10-32-68, subsection 1 of section 10-32-69, section 10-32-70, subsection 1 of section 10-32-76, subsection 3 of section 10-32-78, subsection 4 of section 10-32-80, section 10-32-82, subsection 5 of section 10-32-86, subsection 2 of section 10-32-87, subsection 1 of section 10-32-89, subsection 7 of section 10-32-99, subsections 1, 2, and 3 of section

10-32-102, sections 10-32-104 and 10-32-109, subsections 2 and 3 of section 10-32-119, subsection 1 of section 10-32-131, and subdivision t of subsection 1 of section 10-32-150 of the North Dakota Century Code, relating to business corporations, professional corporations, and limited liability companies.

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

**SB 2151:** A BILL for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the minimum value for reporting fixed assets; and to declare an emergency.

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

#### **MOTION**

**REP. MONSON MOVED** that the absent members 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 1:00 p.m., Monday, January 22, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**