

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, March 6, 2001

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

The prayer was offered by Rep. Dale Severson, Cooperstown.

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

A quorum was declared by the Speaker.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**HCR 3066:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of increasing the communication between the executive and legislative branches to monitor and assess the development of state policy regarding economics, population, and business growth.

The question being on the final adoption of the resolution, which has been read.

HCR 3066 passed on a voice vote, and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1038 as printed on HJ page 781, which motion prevailed on a voice vote.

Engrossed HB 1038 was placed on the Eleventh order of business.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1117 as printed on HJ page 781, which motion prevailed on a voice vote.

Engrossed HB 1117 was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the provision of targeted case management by the department of human services; to provide an expiration date; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1117 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1038 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2054:** A BILL for an Act to create and enact a new subsection to section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on highways; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2054 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2073:** A BILL for an Act to amend and reenact sections 2-08-03 and 2-08-04 of the North Dakota Century Code, relating to fees charged by the aeronautics commission.

**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 85 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Boehm; Brusegaard; Byerly; Delzer; Kempenich; Kerzman; Koppelman; Lemieux; Onstad; Skarphol; Wrangham

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

Engrossed SB 2073 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to amend and reenact sections 4-34-01 and 4-34-03 of the North Dakota Century Code, relating to beef promotion and the qualifications of members of the North Dakota beef commission.

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

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

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

Engrossed SB 2172 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2214:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership on the state board of animal health.

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

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

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

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

SB 2214 passed and the title was agreed to.

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### **SPECIAL ORDER OF BUSINESS**

**REP. MONSON MOVED** that a committee of two be appointed to escort Miss Rodeo North Dakota, Shannon Rustad, to the podium. **SPEAKER BERNSTEIN** appointed Rep. Belter and Rep. Pietsch to such committee.

### **REMARKS OF SHANNON RUSTAD, MISS RODEO NORTH DAKOTA 2001**

Mr. Speaker and distinguished members of the House of Representatives:

Thank you so very much for allowing me this time to address you on behalf of the sport of rodeo and our western heritage. I am Shannon Rustad of Kindred. I am also from District 22 where we proudly claim Lt. Governor Dalrymple, Senate Majority Leader Gary Nelson, House Majority Leader Wes Belter, and Representative Bill Pietsch.

I am greatly honored to have earned the title of Miss Rodeo North Dakota 2001 because this not only makes me an ambassador for the thrill-packed sport of rodeo, but it also gives me a chance to tell people I meet around the country about my state of North Dakota and what it has to offer everyone.

I have had the opportunity to promote and be involved in 40 rodeos since the beginning of January. These rodeos have taken place in Colorado and South Dakota, as well as several in North Dakota. As I meet and greet people along the way, it gives me absolute pleasure to inform them in any way I can about the sport of rodeo and my state of North Dakota.

North Dakota has so much beauty that few people outside of our state actually know about, whether it is the Badlands and the historical home of Theodore Roosevelt or the vast lakes of Audubon and Sakakawea. We are also a state proud of our heritages and known for celebrating it--from the native American powwows known across the country to the Norsk Hostfest celebrating the Norwegian heritage of many North Dakotans. Our ranching and western way of life has always been a great part of our heritage as well. I am excited to see this realized and honored with the construction of the North Dakota Cowboy Hall of Fame, a center dedicated to honoring those who made a significant contribution to our state's western heritage.

This state has built its reputation around farming and ranching. We continue that time-honored tradition today by embracing new technology allowing us to produce the highest quality food in the world. This technology, combined with an entrepreneurial spirit of our people, has led to many new and exciting businesses like Dakota Growers Pasta in Carrington and the North American Bison Cooperative in New Rockford.

Those of us lucky enough to call North Dakota home enjoy a lifestyle that most would only dream about. We don't have to worry about the crime or congestion found elsewhere. Parents can feel safe letting their children visit the neighbors and can send them to school knowing they are getting a first-rate education, being taught by people who truly care. Children and adults as well can excel and have access to nationally known programs of higher learning in our state including law and medical schools, aviation, engineering, and agriculture. As a recent graduate of North Dakota State University, I feel proud of the education I received as a North Dakota resident. I am glad to see that the state is ensuring that a quality education will always be available by providing funding for our schools and the teachers who help shape our children's future. All of these factors have shown how North Dakotans have gone from traveling in covered wagons to traveling through cyberspace while never losing sight of our pride for this state.

I come from a truly proud, long line of North Dakotans going back to my great-great-grandfather who helped pioneer my hometown of Kindred, where I reside today and my great-grandmother, who as a single woman, homesteaded near what is now Granville, North Dakota. True grit is what they had then and what we still have today.

I was sorting through some old books of my great-grandmother one day when I came up a poem that was written more than 100 years ago by a native North Dakotan named John

Broxmeyer. I believe that his pride in North Dakota says exactly what North Dakotans still feel today. His poem reads:

"North Dakota - Land of Plenty  
Land of Enterprise and Hope;  
With your rolling fields and prairies  
Truly great in vast in scope;  
Peaceful, fertile land of beauty  
With your soil so full of zest;  
Where the sun, landscapes, and people  
Are at there ever smilin' best

North Dakota - Friendly state where  
Folks greet you with a grin  
Where one notes an upward, onward  
Tilt on each Dakotan chin  
Wondrous State, with untold wealth  
Of oil, cattle, coal, and grain  
Where one can work and rest or play  
Without a bit o' strain;

North Dakota - Home o' health  
Rich soil and plenty o' pluck;  
Where we have learned to smile  
At what some may call bad luck  
Together, we've fought 'rust' and Hoppers  
- We've known the need for rain  
But shucks - since fields are green and lush,  
We're all rarin' to go again;

North Dakota - State o' mine  
May I remain in your embrace  
And may I always as you've taught me,  
Keep a smile upon my face  
Then, when I'm at journey's end'  
And my heart's forever still  
May I be cradled in your soils  
On the brow o' some friendly hill"

This poem reminds me that even though some people may leave North Dakota seeking life in a fast lane, the squeeze of concrete and asphalt will make them return to their native state for life in the vast lane.

Thank you again for the opportunity of addressing you today, and as I go on to represent my great state next November in Las Vegas at the Miss Rodeo America pageant, know that this North Dakotan will consider it truly an honor to call North Dakota home. Thank you.

#### REQUEST

**REP. BELTER REQUESTED** that Miss Rodeo North Dakota, Shannon Rustad's remarks be printed in the Journal.

#### SECOND READING OF SENATE BILL

**SB 2353:** A BILL for an Act to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to hunting by handicapped persons on lands controlled by the board of university and school lands.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan;

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

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2353 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2047:** A BILL for an Act to amend and reenact section 14-09-05.1 of the North Dakota Century Code, relating to grandparental rights of visitation of unmarried minors.

### 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, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Glassheim; Kerzman; Mahoney; Price; Warner

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2047 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2108:** A BILL for an Act to amend and reenact subsection 4 of section 15-40.1-06 of the North Dakota Century Code or in the alternative to amend and reenact subsection 1 of section 15.1-27-02 of the North Dakota Century Code, relating to late filing of reports to the department of public instruction.

### 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 42 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Brekke; Cleary; Delmore; Disrud; Eckre; Ekstrom; Froseth; Glassheim; Grumbo; Haas; Hanson; Hawken; Huether; Hunsakor; Jensen; Johnson, N.; Kelsch, R.; Kelsh, S.; Klein, M.; Klemin; Koppang; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Pollert; Porter; Price; Solberg; Svedjan; Thoreson, L.; Thorpe; Wentz; Wikenheiser

**NAYS:** Aarsvold; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Galvin; Grande; Grosz; Guleson; Gunter; Herbel; Johnson, D.; Kasper; Keiser; Kempenich; Kerzman; Kingsbury; Klein, F.; Kliniske; Koppelman; Lloyd; Mahoney; Martinson; Nelson; Onstad; Pietsch; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Thoreson, B.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2108 lost.

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**SECOND READING OF SENATE BILL**

**SB 2323:** A BILL for an Act to create and enact alternative new sections to chapter 15.1-08 of the North Dakota Century Code, relating to the open enrollment of students registered in military installation school districts; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

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

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**SECOND READING OF SENATE BILL**

**SB 2324:** A BILL for an Act to provide for a legislative council study.

**ROLL CALL**

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleason; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Byerly; Ruby; Skarphol

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2324 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2366:** A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-16-03 and 15.1-16-04 of the North Dakota Century Code, relating to compensation for factfinders and members of the education factfinding commission.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2366 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2412:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to lifetime licensure for teachers.

## 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 83 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; 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; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Boehm; Brandenburg; Brusegaard; DeKrey; Delzer; Drovdal; Grosz; Koppelman; Nottestad; Skarphol; Thoreson, L.; Weiler

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner

SB 2412 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2430:** A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-01 of the North Dakota Century Code, relating to the distribution of state aid to school districts; to provide an effective date; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield; Lemieux; Renner



SB 2430 passed, the title was agreed to, and the emergency clause was declared carried.

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**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 6, 2001, I have signed the following: HB 1060, HB 1062, HB 1067, HB 1068, HB 1070, HB 1076, HB 1080, HB 1081, HB 1082, and HB 1083.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4043.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1119, HB 1170.

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

Page 1, line 17, after the period insert "Development of the written policy must include input from employees."

Page 2, line 6, remove "Agencies may pay bonuses under this section during a fiscal year to not more than"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "fiscal year."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1170**

Page 4, line 4, remove the overstrike over "hauler"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1120.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1120**

Page 1, line 20, remove "designated"

Page 1, line 21, after "committee" insert "designated by the legislative council"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1300.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2025, SB 2057, SB 2061, SB 2065, SB 2110, SB 2111, SB 2128, SB 2152, SB 2171.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2100, SB 2101.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2207.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 6, 2001: HMR 7001.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled resolution: HMR 7001.

**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 1077, HB 1195, HB 1258, HCR 3003.

**REPORT OF STANDING COMMITTEE**

**SB 2064: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2064 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2068, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2068 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2086, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2086 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2123: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2123 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2141: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 00 NAYS, 03 ABSENT AND NOT VOTING). SB 2141 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2148: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

Page 4, line 29, after "superintendent" insert "after July 31, 2001"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2153, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2153 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2185: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2197: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2197 was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commissioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**44-02-05. Vacancy in board of county commissioners - How filled.** When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~selecting~~ selected by the remaining county commissioners and ~~auditor~~ the sheriff, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer ~~shall~~ or, if the county does not have an elected treasurer, another elective county officer must be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2228, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2228 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2240: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2240 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2286, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2286 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2440: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2440 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2448, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2448 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4038:** A concurrent resolution directing the Legislative Council to study the benefits and risks associated with the use of contracts in agricultural production, including growing and sales provisions, labor arrangements, chemical usage, and provisions necessitated by emerging technologies.

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

**SCR 4040:** A concurrent resolution directing the Legislative Council to study the problems associated with credit card companies marketing credit cards to college students.

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

**SCR 4041:** A concurrent resolution directing the Legislative Council to study the financial impact of credit card fees imposed on public institutions of higher education and the social effects of credit card debt on young adults.

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

**SCR 4045:** A concurrent resolution for the amendment of section 5 of article X of the Constitution of North Dakota, relating to the taxable status of land held for conservation or wildlife purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation 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, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 7, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**

