

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, February 3, 1999

The House convened at 8:30 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Stephen Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1085, HB 1200, HB 1223, HB 1246, HB 1406, HB 1459, HB 1464, and HB 1471 be adopted, which motion prevailed.

HB 1085, HB 1200, HB 1223, HB 1246, HB 1406, HB 1459, HB 1464, and HB 1471, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. DORSO MOVED** that House Rule 329 (4) with reference to bills being rereferred to the **Appropriations Committee** be suspended until Monday, February 8, 1999, which motion prevailed.

## MOTION

**REP. POOLMAN MOVED** that the House reconsider its action whereby HB 1362 failed to pass.

## REQUEST

**REP. BOUCHER REQUESTED** a verification vote on the motion that the House reconsider its action whereby HB 1362 failed to pass, which request was granted.

The question was on the motion that the House reconsider its action whereby HB 1362 failed to pass, which motion prevailed on a verification vote.

## MOTION

**REP. DORSO MOVED** that HB 1362 be rereferred to the **Political Subdivisions Committee**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1037:** A BILL for an Act to create and enact a new section to chapter 28-01.3 and a new section to chapter 32-12 of the North Dakota Century Code, relating to the liability of the state for a contract claim resulting from the failure of computers or computer equipment and to the liability of a manufacturer for a year 2000 claim; and to amend and reenact sections 28-01.3-04, 28-01.3-06, subsection 3 of section 32-12.1-03, and subsection 3 of section 32-12.2-02 of the North Dakota Century Code, relating to the liability of political subdivisions and the state for a claim resulting from the failure of computers or computer equipment as a result of the year 2000 date change and to the liability of a nonmanufacturing seller for a year 2000 claim and the determination of a defective product.

## 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer;

Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1037 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1041:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to posting games of chance rules; and to amend and reenact sections 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-10, subsection 5 of section 53-06.1-11, and subsection 5 of section 53-06.1-14 of the North Dakota Century Code, relating to games of chance.

### 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 53 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Cleary; DeKrey; Delmore; Drovdal; Eckre; Ekstrom; Froseth; Grumbo; Hanson; Hawken; Henegar; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Kliniske; Koppang; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Schmidt; Sveen; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Belter; Berg; Boucher; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Disrud; Dorso; Fairfield; Froelich; Galvin; Glassheim; Gorder; Grande; Grosz; Gulleon; Gunter; Haas; Herbel; Hoffner; Keiser; Kerzman; Klemin; Koppelman; Lloyd; Lundgren; Monson; Mueller; Niemeier; Price; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Thorpe; Tollefson; Warner; Wentz

Engrossed HB 1041 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1146:** A BILL for an Act to amend and reenact sections 42-03-01, 42-03-02, 42-03-03, and 42-03-04 of the North Dakota Century Code, relating to dogs as public nuisances.

### ROLL CALL

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Niemeier; Pollert

**ABSENT AND NOT VOTING:** Boucher; Kelsh, S.

Engrossed HB 1146 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1170:** A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to approved vendors under state purchasing laws; to amend and reenact sections 12-48-07, 24-03-14, 46-01-02, 46-02-01, 46-02-09, 46-05-03, 54-23.2-02, 54-24-09, 54-44-04.5, 54-44-04.6, subsection 3 of section 54-44.2-02, subsections 4, 5, and 8 of section 54-44.4-02, sections 54-44.4-03, 54-44.4-05, 54-44.4-07, and 54-44.4-08 of the North Dakota Century Code, relating to state purchasing and printing practices and the responsibilities of the office of management and budget; to repeal section 54-44-09 of the North Dakota Century Code, relating to the requirement that state purchases comply with United States bureau of standards; 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; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Galvin; Gulleson

Engrossed HB 1170 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1226:** A BILL for an Act to amend and reenact section 46-06-02 of the North Dakota Century Code, relating to qualifications required of an official newspaper.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Devlin; Fairfield; Weisz

**ABSENT AND NOT VOTING:** Boucher; Delzer; Hoffner

Engrossed HB 1226 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1286:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the retail sale of alcoholic beverages.

**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 50 YEAS, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Byerly; DeKrey; Delmore; Disrud; Dorso; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, N.; Kelsch, R.; Kelsh, S.; Klein; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Nicholas; Nichols; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sveen; Thoreson, B.; Thoreson, L.; Wikenheiser; Winrich

**NAYS:** Aarsvold; Belter; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delzer; Devlin; Drovdal; Eckre; Glassheim; Grande; Grosz; Gulleeson; Johnson, D.; Keiser; Kempenich; Kerzman; Klemin; Lemieux; Lundgren; Mickelson; Mueller; Nelson; Niemeier; Nottestad; Poolman; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Hoffner; Schmidt

Engrossed HB 1286 passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that HB 1310 be placed directly after HB 1446 on the Eleventh order on the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1357:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the training of newly elected or appointed county officials.

**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, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Boehm; Brusegaard; Carlson; Delzer; Dorso; Grande; Grosz; Lloyd; Monson

**ABSENT AND NOT VOTING:** Boucher; Hoffner

Engrossed HB 1357 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to amend and reenact sections 34-11.1-04.1, 44-04-09, and 44-04-10 of the North Dakota Century Code, relating to the state nepotism law.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder;

Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Brandenburg; Hoffner; Timm

Engrossed HB 1359 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1366:** A BILL for an Act to amend and reenact sections 18-03-01, 18-03-02, 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-04-01, and 18-04-02 of the North Dakota Century Code, relating to the duties and responsibilities of the North Dakota firemen's association and the filing of annual organization certificates by fire departments.

### 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; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Hoffner

Engrossed HB 1366 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1467:** A BILL for an Act to create and enact three new sections to chapter 43-40 of the North Dakota Century Code, relating to complaints and investigations against occupational therapists and occupational therapy assistants and the board of occupational therapy practice recovering costs of prosecution; to amend and reenact sections 43-40-01, 43-40-02, 43-40-03, 43-40-04, 43-40-08, 43-40-10, 43-40-11, 43-40-12, 43-40-13, 43-40-15, 43-40-16, and 43-40-18 of the North Dakota Century Code, relating to licensing and practice of occupational therapists; to repeal section 43-40-09 of the North Dakota Century Code, relating to licensing occupational therapy assistants; and to provide a penalty.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan;

Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Carlson; Clark; Delzer

**ABSENT AND NOT VOTING:** Boucher; Hoffner; Warner

Engrossed HB 1467 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1281:** A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the creation of an irrigation district finance program; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Delzer; Hoffner

HB 1281 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1285:** A BILL for an Act to amend and reenact subsection 3 of section 16.1-03-03 of the North Dakota Century Code, relating to political party election of precinct committeemen.

### 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly

**ABSENT AND NOT VOTING:** Hoffner; Mahoney

HB 1285 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1372:** A BILL for an Act to amend and reenact section 45-11-04.1 of the North Dakota Century Code, relating to fictitious name certificate renewals filed with the secretary of state.

**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; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grud; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Froelich; Gulleson; Mahoney

HB 1372 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1384:** A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to funeral expenses in claims against the estates of former medicaid recipients.

**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; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gulleson; Mahoney

HB 1384 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1391:** A BILL for an Act to provide for voluntary blood donation by 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 64 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Brekke; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grumbo; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Maragos; Martinson; Metcalf; Meyer; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz;

Svedjan; Sveen; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Dorso; Drovda; Galvin; Grande; Grosz; Gunter; Johnson, D.; Johnson, N.; Kempenich; Klein; Koppelman; Lloyd; Lundgren; Mickelson; Monson; Nelson; Poolman; Rennerfeldt; Thoreson, B.; Tollefson; Speaker Wald

**ABSENT AND NOT VOTING:** Gulleeson; Mahoney

HB 1391 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1393:** A BILL for an Act to amend and reenact subsection 1 of section 41-09-43 of the North Dakota Century Code, relating to termination statement requirements and the timing of a debtor's request to a secured creditor to continue a financing statement.

### 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; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gulleeson; Mahoney; Weisz

HB 1393 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1401:** A BILL for an Act to amend and reenact sections 50-22-01, 50-22-02, 50-22-02.1, 50-22-04, 50-22-04.2, and 50-22-05 of the North Dakota Century Code, relating to charitable solicitations; to repeal section 50-22-03 of the North Dakota Century Code, relating to charitable solicitation license applications; and to provide a penalty.

### 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; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gulleeson; Mahoney; Renner

HB 1401 passed and the title was agreed to.

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**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1039, HB 1069, HB 1163, HB 1247, HB 1276, HB 1326, HB 1343, HB 1349, HB 1356, HB 1445.

**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 9:00 a.m., Thursday, February 4, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1121: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1121 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second semicolon insert "to provide an expiration date;"

Page 4, line 23, remove "made pursuant to an income withholding order"

Page 4, after line 25, insert:

**"SECTION 4. EXPIRATION DATE.** Section 2 of this Act is effective through July 31, 2000, and after that date is ineffective. Section 14-09-09.29 as it existed on the day before the effective date of this Act becomes effective August 1, 2000."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1122: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1122 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "54-44.8-01," and after "54-44.8-03" insert a comma

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-44.8-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.8-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the individual employed by the division to oversee administration of the program.
2. "Commission" means the public service commission.
3. "Communications impaired" means the condition of an individual who is deaf, hearing impaired, or speech impaired, or mobility impaired so as to be unable to use a telephone readily purchased from a retail store.
4. "Disadvantaged" means residing in a household that has a median income not more than the applicable median income in this state, except the term includes residing in a household that has a median income not more than one hundred fifty percent of the applicable median income in this state if the resident is deaf.
5. "Division" means the information services division of the office of management and budget.
- ~~5.~~ 6. "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- ~~6.~~ 7. "Program" means the program established under section 54-44.8-03.
- ~~7.~~ 8. "Radio communications access" means the radio access between a customer of a radio communications service provider and the provider.

- ~~8-~~ 9. "Radio communications service provider" means a telecommunications company that provides radio communication service or cellular service to members of the general public who are its customers.
- ~~9-~~ 10. "Specialized telecommunications equipment" means a device that, when connected to a telephone, enables or assists a person who is communications impaired to communicate with another person utilizing the telephone network. The term may include telecommunications devices for the deaf, amplifiers, and signaling devices.
- ~~10-~~ 11. "Telecommunications relay service" means a statewide service through which a communications-impaired individual, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications-impaired individual whose telephone is not equipped with specialized telecommunications equipment and through which a noncommunications-impaired individual, by using voice communication, may send and receive messages to and from a communications-impaired individual.
- ~~14-~~ 12. "Telephone access line" means the facilities between a serving central office and the customer of a local exchange company which are required to provide access to the local and toll network."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1280: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1290: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1290 was placed on the Sixth order on the calendar.

Page 10, replace lines 24 through 26 with:

"**Interstate shipment.** Meat and meat products inspected under this chapter may be shipped in interstate commerce when federal law permits state inspected meat and meat products to be marketed interstate."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1388: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact two new sections to chapter 43-15 of the North Dakota Century Code, relating to pharmacist education requirements and approved laboratory tests; and"

Page 2, after line 6, insert:

"**SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

**Educational requirements - Rules.** The board shall adopt rules establishing the educational requirements and quality control procedures for pharmacists who conduct laboratory tests provided in subsection 23 of section 43-15-01. These rules must include a requirement that pharmacists receive training for each specific test performed and a requirement that pharmacists demonstrate proficiency for each test performed following nationally recognized proficiency guidelines.

**SECTION 3.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

Approved laboratory tests. Approved laboratory tests are the following waived screening tests: glucose monitoring devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride 6118, and glycosylated hemoglobin (Hgb A1C) 2204. Additional tests may be added to this list as jointly determined by the board and the board of medical examiners."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1491: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1491 was placed on the Eleventh order on the calendar.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2036, SB 2200, SB 2214, SB 2215, SB 2257, SB 2280, SB 2282, SB 2283, SB 2288, SB 2315.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Lundgren, Haas, R. Kelsch and Sens. Holmberg, Kelsh introduced:

**HCR 3050:** A concurrent resolution directing the Legislative Council to study methods of identifying and providing appropriate services to gifted students.

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

#### FIRST READING OF SENATE BILLS

**SB 2036:** A BILL for an Act to amend and reenact sections 50-06-14.4 and 50-24.5-01 of the North Dakota Century Code, relating to assisted living facilities; to require the preparation of a recommendation by the department of human services and the department of health; to provide an effective date; and to provide an expiration date.

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

**SB 2200:** A BILL for an Act to require the health council to monitor swimming pool safety.

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

**SB 2214:** A BILL for an Act to amend and reenact subsection 3 of section 65-05-08 and sections 65-05-09, 65-05-10, and 65-05.2-01 of the North Dakota Century Code, relating to maximum wage-loss benefits payable by the workers compensation bureau and the waiting period for supplementary workers compensation benefits; to provide for a study of long-term benefits; and to provide an effective date.

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

**SB 2215:** A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to membership of the state board of higher education; and to repeal sections 15-10-01.1, 15-10-03, 15-10-04, 15-10-05, 15-10-06, 15-18-03, 15-18-04.2, 15-18-05, 15-55-18, 15-55-19, and subsection 11 of section 57-15-06.7 of the North Dakota Century Code, relating to assumption of jurisdiction over junior colleges, appointments and membership of the state board of higher education, and tax levies for the financing of residual or other junior college fiscal obligations.

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

**SB 2257:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the distribution of per student special education payments after closure of a school district; and to declare an emergency.

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

**SB 2280:** A BILL for an Act to amend and reenact sections 11-18-01, 11-18-06, 11-18-07, 11-18-10, 11-18-11, 35-03-11, 35-03-16, 35-22-15, 35-22-16, 35-27-12, 40-50.1-14, 40-50.1-17, 47-19-10, 47-29-04, and subsection 2 of section 52-04-12 of the North Dakota Century Code, relating to the recording of documents by the register of deeds; and to repeal section 19-08-07 of the North Dakota Century Code, relating to recording of bottle brands.

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

**SB 2282:** A BILL for an Act to amend and reenact section 15-39.1-19.1 of the North Dakota Century Code, relating to participation in the teachers' fund for retirement by retired persons who have resumed teaching; to provide an effective date; and to provide an expiration date.

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

**SB 2283:** A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code, relating to attorney's fees in actions to collect debts or enforce obligations in commercial loan transactions.

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

**SB 2288:** A BILL for an Act to amend and reenact subsection 1 of section 14-08.1-05 of the North Dakota Century Code, relating to treatment of child support arrears as judgments; and to declare an emergency.

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

**SB 2315:** A BILL for an Act to adopt the Uniform Preservation of Private Business Records Act.

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

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

**LANCE HAGEN, Chief Clerk**