

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, March 9, 1999

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

The prayer was offered by Reverend Maury Millican, Bismarck Reformed Church.

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

A quorum was declared by the Speaker.

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

MR. SPEAKER: The President has signed: HB 1160, HB 1234, HB 1235, HB 1238, HB 1269, HB 1270, HB 1330, HB 1445.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:55 a.m., March 9, 1999: HB 1160, HB 1234, HB 1235, HB 1238, HB 1269, HB 1270, HB 1330, HB 1445.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 8, 1999, I have signed the following: HB 1042, HB 1055, HB 1059, HB 1084, HB 1086, HB 1090, HB 1094, HB 1096, HB 1097, HB 1100, HB 1103, HB 1112, HB 1145, HB 1164, HB 1195, HB 1202, HB 1203, HB 1342, and HB 1375.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Jack Howard

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2280: Reps. Maragos, B. Thoreson, Delmore.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed SB 2159, Engrossed SB 2161, Engrossed SB 2294, and SB 2357 be adopted, which motion prevailed.

Engrossed SB 2159, Engrossed SB 2161, Engrossed SB 2294, and SB 2357, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to amend and reenact section 43-23-08.2 of the North Dakota Century Code, relating to continuing education requirements for real estate brokers.

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 67 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Disrud; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Guleson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nicholas; Nichols; Nottestad; Nowatzki; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Wentz; Wikenheiser; Winrich

NAYS: Aarsvold; Belter; Bernstein; Boehm; Boucher; Brusegaard; Carlson; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Eckre; Gorder; Grande; Grosz; Grumbo; Hanson; Kempenich; Kerzman; Kroeber; Monson; Nelson; Niemeier; Pollert; Severson; Tollefson; Weisz; Speaker Wald

ABSENT AND NOT VOTING: Froelich; Poolman

SB 2098, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Mike Schatz

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to water permit applications; and to amend and reenact subsection 4 of section 61-04-05 and section 61-04-06 of the North Dakota Century Code, relating to water permit applications.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Poolman

Engrossed SB 2107, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to recording deeds and contracts for deeds.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Poolman

Engrossed SB 2243, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning.

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, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; 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; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; 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

NAYS: Aarsvold; Clark; Gulleison; Niemeier; Renner

ABSENT AND NOT VOTING: Poolman

SB 2290, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 51 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Delmore; Devlin; Eckre; Froelich; Froseth; Glassheim; Gorder; Grumbo; Gulleison; Gunter; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kerzman; Klemin; Kliniske; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nelson; Nichols; Niemeier; Nowatzki; Renner; Schmidt; Severson; Solberg; Stefonowicz; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Winrich; Speaker Wald

NAYS: Belter; Boehm; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Disrud; Dorso; Drovdal; Ekstrom; Fairfield; Galvin; Grande; Grosz; Haas; Hanson; Hawken; Henegar; Hoffner; Jensen; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Koppang; Koppelman; Kroeber; Lundgren; Mickelson; Monson; Nicholas; Nottestad; Pollert; Porter; Price; Rennerfeldt; Rose; Sandvig; Svedjan; Sveen; Wentz; Wikenheiser

ABSENT AND NOT VOTING: Poolman; Warner

Engrossed SB 2373, as amended, passed and the title was agreed to.

REQUEST

REP. WARNER REQUESTED that the record show that he intended to vote YEA on Engrossed SB 2373, which request was granted.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to amend and reenact section 55-10-08 of the North Dakota Century Code, relating to the authority of the state historical board and superintendent of the state historical board to prohibit the alteration or demolition of historic sites.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Gullerson; 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; 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: Poolman

Engrossed SB 2264 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact section 12-63-01, subsection 2 of section 12-63-12, and section 12-63-14 of the North Dakota Century Code, relating to peace officer standards, training, and licensing.

ROLL CALL

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

YEAS: Aarsvold; 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; Gullerson; 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; 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: Poolman

SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to create and enact two new sections to chapter 18-11 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits; to provide for retroactive application; to provide an expiration 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gullerson; 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; 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: Poolman

Engrossed SB 2347 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to amend and reenact sections 61-16.1-18 and 61-16.1-22 of the North Dakota Century Code, relating to water resource district project notices.

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; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; 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: Metcalf; Poolman

SB 2369 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Engrossed SB 2372, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. BELTER MOVED that the House reconsider its action whereby Engrossed SB 2055 failed to pass, which motion prevailed on a verification vote.

MOTION

REP. DORSO MOVED that Engrossed SB 2055 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2055 was rereferred.

SECOND READING OF SENATE BILL

SB 2426: A BILL for an Act to provide that the operation of sport shooting ranges may not be deemed a nuisance; 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 94 YEAS, 3 NAYS, 0 EXCUSED, 1 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; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

NAYS: Fairfield; Kelsh, S.; Winrich

ABSENT AND NOT VOTING: Poolman

Engrossed SB 2426 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to amend and reenact sections 15-10-18, 15-10.1-02, and 15-10.1-03 of the North Dakota Century Code, relating to the approval by the budget section of nonresident tuition rates at institutions of higher education, reciprocal tuition agreements, and agreements for the remission of nonresident tuition.

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 60 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brekke; Byerly; Clark; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grumbo; Gullerson; Gunter; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Koppang; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Price; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Wentz; Winrich

NAYS: Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Carlisle; Carlson; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Galvin; Grande; Grosz; Haas; Henegar; Johnson, D.; Kempenich; Klein; Klemin; Koppelman; Mahoney; Monson; Nichols; Nowatzki; Pollert; Porter; Renner; Rennerfeldt; Severson; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Poolman

SB 2029 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to amend and reenact subdivision a of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exception of agricultural labor from employment subject to unemployment compensation insurance coverage.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brusegaard; Nicholas; Nottestad; Svedjan; Thoreson, L.

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; Nichols; Niemeier; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Poolman

SB 2218 was declared lost.

SECOND READING OF SENATE BILL

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.

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 9 YEAS, 87 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brusegaard; Carlson; DeKrey; Grande; Mueller; Sveen; Timm; Weisz; Wentz

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleason; 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; Martinson; Metcalf; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Maragos; Poolman

SB 2283 was declared lost.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 57-15 and a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to creating county levy authority for automation and telecommunications, within the levy authority for old-age and survivors' insurance; and to amend and reenact subsection 3 of section 52-09-08 and subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the levy limitation for old-age and survivors' insurance.

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, 5 NAYS, 0 EXCUSED, 1 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; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; 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: Delzer; Klein; Klemin; Nichols; Pollert

ABSENT AND NOT VOTING: Poolman

Engrossed SB 2358 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to amend and reenact subsection 25 of section 57-15-06.7, subsection 26 of section 57-15-10, and subsection 3 of section 57-15-56 of the North Dakota Century Code, relating to the mill levy for senior citizen programs; and to provide an effective date.

ROLL CALL

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

YEAS: Aarsvold; 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; Glasheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; 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: Poolman

Engrossed SB 2382 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact sections 5-02-01.1 and 5-02-06 of the North Dakota Century Code, relating to the sale of alcoholic beverages; 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 80 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boehm; Drovda; Gorder; Herbel; Hoffner; Koppang; Lundgren; Mahoney; Niemeier; Nowatzki; Renner; Sandvig; Solberg; Stefonowicz; Thorpe; Tollefson

ABSENT AND NOT VOTING: Poolman

Engrossed SB 2405 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1077 as printed on HJ page 729, which motion prevailed.

HB 1077, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1077: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to recognition and enforcement of foreign domestic violence protection orders; to amend and reenact section 14-07.1-06 of the North Dakota Century Code, relating to violations of protection orders; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Glasheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1077 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2082, SB 2158, SB 2160, SB 2184, SB 2208, SB 2232, SB 2233, SB 2237, SB 2238, SB 2261, SB 2313, SB 2343, SB 2345, SB 2406.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2207.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2027, SB 2066, SB 2152, SB 2240, SB 2246.

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

MADAM PRESIDENT: The House has failed to pass: SB 2247.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2255.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 10, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2196: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2200 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2305, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2305 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2306: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2306 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2314, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2314 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2361: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2410, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2410 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4005: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4005 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4014: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4015: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4032: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4046, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SCR 4046 was placed on the Tenth order on the calendar.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1009, HB 1065, HB 1104, HB 1139, HB 1140, HB 1163, HB 1173, HB 1283, HB 1296, HB 1324, HB 1327, HB 1333, HB 1366, HB 1411, HCR 3011, HCR 3056.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1045, HB 1126.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1045

Page 1, line 3, after "1-04-09" insert ", 1-08-08"

Page 1, line 19, replace the second "section" with "sections 42-04-01,"

Page 1, line 20, after "45-10.1-02" insert ", section 47-10.1-02"

Page 1, line 25, after "sections" insert "10-19.1-03,"

Page 2, after line 13, insert:

"SECTION 2. AMENDMENT. Section 1-08-08 of the North Dakota Century Code is amended and reenacted as follows:

1-08-08. Validation of land titles acquired by corporations ~~prior to~~ before March 7, 1935. The title and ownership of any real estate acquired in any manner by any domestic or foreign corporation after July 29, 1932, and ~~prior to~~ before March 7, 1935, is ~~hereby~~ declared to be valid for all purposes, subject, however, to ~~all of the provisions contained in chapter 40-06~~ 10-06.1."

Page 36, after line 18, insert:

"SECTION 61. AMENDMENT. Section 42-04-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42-04-01. "Agricultural operation" defined. As used in this chapter, "agricultural operation" means the science and art of production of plants and animals useful to ~~man~~ people, by a corporation ~~as provided in chapter 10-06~~, or a limited liability company as allowed under chapter 10-06.1, a partnership, or a proprietorship, and including, to a variable extent, the preparation of these products for ~~man's~~ people's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Page 38, after line 18, insert:

"SECTION 66. AMENDMENT. Section 47-10.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-10.1-02. Restriction on acquisition - Exceptions. A person who is not a citizen of the United States or a citizen of Canada, except a permanent resident alien of the United States, may not acquire directly or indirectly any interest in agricultural land. A partnership, limited partnership, limited liability company, trustee, or other business entity may not, directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial, or otherwise, in any title to agricultural land unless the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens of the United States. This section does not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this section. This section does not apply to a foreign corporation or a foreign limited liability company which acquires agricultural land for use as an industrial site where construction contracts are entered into by the corporation or limited liability company within one hundred fifty days after acquisition of the land; provided, that this exception shall only apply to so much agricultural land as is reasonably necessary for industrial purposes. A foreign corporation or a foreign limited liability company which owns agricultural land for industrial purposes but which discontinues using the land for industrial purposes shall dispose of the land as provided by chapter ~~40-06~~ 10-06.1. A foreign corporation or foreign limited liability company shall dispose of agricultural land acquired for industrial purposes within one year after acquisition if construction contracts are not entered into within one hundred fifty days after acquisition of the land. This section does not apply to citizens or subjects of a foreign country whose rights to hold land are secured by treaty or to common carriers by railroad subject to the jurisdiction of the interstate commerce commission."

Page 44, line 29, after "Sections" insert "10-19.1-03,"

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1126

Page 1, line 18, after "signed" insert "or re-signed" and after "public" insert ", in the case of a jurat, or in the case of a certificate of acknowledgment, was not acknowledged in the presence of the notary public"

Re-number accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1080.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1080

Page 1, line 2, after "guard" insert "; and to declare an emergency"

Page 1, line 8, remove "or" and remove "deterrent"

Page 1, line 9, after "events" insert ", or to provide assistance to political entities in search and rescue efforts or to respond to a potential natural or environmental hazard or nuisance"

Page 1, after line 15, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1132, HB 1248.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2042, SB 2051, SB 2052, SB 2067, SB 2079, SB 2092, SB 2094, SB 2141, SB 2143, SB 2197, SB 2209.

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

MADAM PRESIDENT: The Speaker has signed: SB 2042, SB 2051, SB 2052, SB 2067, SB 2079, SB 2092, SB 2094, SB 2141, SB 2143, SB 2197, SB 2209.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2102, SB 2103, SB 2104, SB 2147, SB 2155.

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

MADAM PRESIDENT: The Speaker has signed: SB 2102, SB 2103, SB 2104, SB 2147, SB 2155.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2041, SB 2133, SB 2142, SB 2149, SB 2214, SB 2219, SB 2221, SB 2295, SB 2303, SB 2328, SB 2376.

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

MR. SPEAKER: The President has signed: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:10 p.m., March 9, 1999: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2266: Reps. Devlin; Jensen; Eckre

SB 2280: Reps. Maragos; B. Thoreson; Delmore

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

LANCE HAGEN, Chief Clerk