

**JOURNAL OF THE HOUSE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, March 16, 1999**

The House convened at 1:00 p.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 except Representatives Aarsvold, Fairfield, Glassheim, Nicholas, and Schmidt.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

This is to inform you that on March 15, 1999, I have signed the following: HB 1138, HB 1159, HB 1186, HB 1224, HB 1312, HB 1364, and HB 1401.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to SCR 4023 be adopted, which motion prevailed.

SCR 4023, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2273:** A BILL for an Act to amend and reenact subsection 3 of section 10-30.5-02 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund.

**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 41 YEAS, 52 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Clark; Cleary; DeKrey; Delmore; Drovda; Ekstrom; Froelich; Gorder; Grumbo; Gullerson; Hanson; Hoffner; Huether; Jensen; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Monson; Mueller; Nichols; Niemeier; Nowatzki; Porter; Rose; Sandvig; Solberg; Stefanowicz; Sveen; Tollefson; Warner; Weisz; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; Delzer; Devlin; Disrud; Dorso; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Johnson, D.; Johnson, N.; Keiser; Klein; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Mickelson; Nelson; Nottestad; Pollert; Poolman; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

Engrossed SB 2273, as amended, was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2333:** A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to teacher certification requirements; and to provide an appropriation.

**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 3 YEAS, 90 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Grosz; Martinson

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

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

Engrossed SB 2333, as amended, was declared lost.

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#### SECOND READING OF SENATE BILL

**SB 2071:** A BILL for an Act to create and enact a new subsection to section 54-52-17 and a new section to chapter 54-52 of the North Dakota Century Code, relating to acceptance of rollovers from other qualified plans and vesting of employer contributions under the public employees retirement system; to amend and reenact subsection 1 of section 54-52-01, subdivisions b and d of subsection 3 of section 54-52-17, paragraphs 1 and 2 of subdivision a of subsection 4 of section 54-52-17, subdivision d of subsection 4 of section 54-52-17, subsections 5, 6, and 7 of section 54-52-17, sections 54-52-17.5 and 54-52-17.10 of the North Dakota Century Code, relating to definitions, determination of retirement dates, computation of benefits, eligibility for early retirement benefits, vesting, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system; to provide an appropriation; 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 90 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Dalrymple; Delzer; Grande

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

SB 2071 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2187:** A BILL for an Act to provide for a special fund; to amend and reenact sections 36-01-30, 36-05-12, 36-09-18, 36-22-03, 36-22-04, and 36-22-08 of the North Dakota Century Code, relating to feedlot registration fees, brand recording and inspection fees, and stray inspections; to repeal section 36-22-05 of the North Dakota Century Code, relating to the stray fund; to provide for a continuing appropriation; 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 91 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Devlin; Severson

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

Engrossed SB 2187 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**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.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Grosz; Grumbo; Gulleson; Gunter; 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; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** DeKrey; Delzer; Devlin; Grande; Haas; Weisz

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

Engrossed SB 2282 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2353:** A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to alcohol-blended gasoline sale 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** 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; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

Engrossed SB 2353 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 subsection 14 of section 23-29-03 of the North Dakota Century Code, relating to the definition of solid waste.

### 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, 31 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Meyer; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Boucher; Cleary; Delmore; Eckre; Ekstrom; Grumbo; Gulleson; Hanson; Henegar; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Porter; Rose; Sandvig; Solberg; Thorpe; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Aarsvold; Brekke; Fairfield; Glassheim; Nicholas; Schmidt; Stefonowicz

Engrossed SB 2366 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that the House reconsider its action whereby SB 2071 passed, which motion prevailed.

### MOTION

**REP. DORSO MOVED** that SB 2071 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2071 was rereferred.

### SECOND READING OF SENATE BILL

**SB 2436:** A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; 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 61 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Boucher; Cleary; Delmore; Eckre; Ekstrom; Froelich; Grumbo; Gulleson; Hanson; Hoffner; Huether; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

SB 2436 passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4028:** A concurrent resolution urging United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan Project.

**ROLL CALL**

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** 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; 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; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

SCR 4028 was declared adopted on a roll call vote.

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**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact section 49-21-06 of the North Dakota Century Code, relating to telecommunications prices; and to provide an expiration 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 91 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** 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; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Kelsh, S.; Lundgren

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

SB 2234 passed and the title was agreed to.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Charles Linderman

**SECOND READING OF SENATE BILL**

**SB 2335:** A BILL for an Act to amend and reenact section 15-41.1-01 of the North Dakota Century Code, relating to the postsecondary enrollment options program.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; 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; Mickelson; Monson; Mueller; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Devlin; Gorder; Meyer; Nichols; Niemeier; Severson

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Nicholas; Schmidt

SB 2335 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to provide for agricultural education.

**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 20 YEAS, 71 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Cleary; Ekstrom; Gulleson; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lundgren; Maragos; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Sandvig; Solberg; Stefonowicz; Thorpe; Speaker Wald

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Martinson; Metcalf; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Severson; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Mahoney; Nicholas; Schmidt; Svedjan

Engrossed SB 2341 was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2391:** A BILL for an Act to amend and reenact section 39-08-09 of the North Dakota Century Code, relating to notification of motor vehicle accidents.

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

**NAYS:** 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; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.;

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

**ABSENT AND NOT VOTING:** Aarsvold; Fairfield; Glassheim; Gorder; Nicholas; Schmidt

SB 2391 was declared lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**SCR 4019:** A concurrent resolution directing the Legislative Council to study the placement of motor vehicle license, registration, title, and excise tax collection services in the treasurer's office of each county in this state.

**SCR 4031:** A concurrent resolution directing the Legislative Council to study the method by which the state funds special education services.

**SCR 4033:** A concurrent resolution directing the Legislative Council to study outmigration of North Dakota residents.

**SCR 4038:** A concurrent resolution directing the Legislative Council to study options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching funds.

**SCR 4039:** A concurrent resolution directing the Legislative Council to study methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs.

**SCR 4042:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level.

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses, sentencing of sexual offenders, and sexual offender commitment treatment.

The question being on the final adoption of the resolutions, which have been read.

SCR 4019, SCR 4031, SCR 4033, as amended, SCR 4038, SCR 4039, SCR 4042, and SCR 4048 were declared adopted on a voice vote.

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**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 2068.

**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 2199.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2073, SB 2126, SB 2128, SB 2180, SB 2186, SB 2225.

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

**MADAM PRESIDENT:** The House has passed unchanged: SCR 4018, SCR 4020, SCR 4025, SCR 4026, SCR 4034, SCR 4040.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 17, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2005, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (17 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2005 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2007, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (18 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2045, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2045 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2080: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2080 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2189, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2189 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "seven" with "fourteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2267, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2267 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2287, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "principal" with "judgment amount"

Page 1, line 20, replace "principal" with "judgment amount"

Page 1, line 22, replace "principal" with "judgment amount"

Page 2, line 1, replace the first "principal" with "judgment amount" and replace the second "principal" with "judgment amount"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2288, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the underscored comma

Page 1, line 16, remove ", may"

Page 1, line 17, remove "not discharged in bankruptcy and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2299, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2299 was placed on the Sixth order on the calendar.

Page 2, line 14, after the underscored comma insert "attending school for longer than ten days."

Page 2, line 28, after "resides" insert ", attends school."

Page 3, line 4, replace "e" with "c"

Page 3, remove lines 5 through 8

Page 3, line 9, replace "d" with "b"

Page 3, line 16, replace "e" with "c"

Page 3, line 23, replace "f" with "d"

Page 4, line 1, replace "g" with "e"

Page 4, line 27, replace "shall" with "may"

Page 4, line 29, replace "g" with "e"

Page 5, line 9, after "reside" insert ", attend school."

Page 5, line 16, after "reside" insert ", attend school."

Page 5, line 28, after "reside" insert ", attend school."

Page 6, line 2, after "reside" insert ", attend school."

Page 6, line 8, after "name" insert ", school."

Page 6, line 10, after "name" insert ", school."

Page 6, line 15, after "residence" insert ", school."

Page 6, line 18, after "residence" insert ", school."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2319: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

Page 1, line 8, after "damages" insert "against the driver under the motion procedures provided in subsection 1" and replace the second "the" with "clear and convincing"

Page 1, line 9, remove "preponderance of the"

Page 1, line 10, replace ", for a second time in" with "within the" and replace the second comma with "immediately preceding the accident has been convicted twice for violation of section 39-08-01 and who"

Page 1, line 14, after the semicolon insert "or"

Page 1, line 16, replace "; or" with a period

Page 1, remove lines 17 through 20

Page 1, line 21, remove "damages under this section."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2321, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(8 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2321 was placed on the Sixth order on the calendar.

Page 1, line 24, remove the overstrike over "~~five~~" and remove "eight"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2349, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2349 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "punitive" with "exemplary"

Page 1, line 6, replace "**punitive**" with "**exemplary**"

Page 1, line 7, replace "Punitive" with "Exemplary"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2410, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2410 was placed on the Sixth order on the calendar.

Page 1, line 2, after "education" insert "teaching"

Page 1, line 6, after "**education**" insert "**teaching**"

Page 1, line 7, after "education" insert "teaching" and after the period insert "The optional early childhood education teaching certificate may be used in nonparental settings such as early childhood programs, preschool programs, and head start programs."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2414, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2414 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SCR 4027, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SCR 4027 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "BOMMM (Burleigh, Oliver, Morton, Mercer, and McLean) Joint Water Resource" with "the Missouri River Coordinated Resource Management Program and the Corps of Engineers"

Page 2, line 18, remove "Board"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4029, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4029 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program."

**WHEREAS**, the United States Fish and Wildlife Service manages 62 national wildlife refuges in North Dakota; and

**WHEREAS**, North Dakota has more national wildlife refuges located within its borders than does any other state; and

**WHEREAS**, the United States Fish and Wildlife Service owns and manages approximately 210,000 acres of wildlife refuges in fee and 250,000 acres of waterfowl production areas in fee in North Dakota; and

**WHEREAS**, North Dakota recognizes the value of these publicly owned lands as wildlife habitat and for wildlife dependent recreation; and

**WHEREAS**, the United States Fish and Wildlife Service refuge revenue sharing program payments to counties have steadily decreased from 100 percent of entitlement in 1980 to approximately 66 percent of entitlement in 1998; and

**WHEREAS**, the United States Fish and Wildlife Service requested funding for a full entitlement in 1998, but the amount of the entitlement was reduced by the Department of the Interior; and

**WHEREAS**, the Congress of the United States has not budgeted for full entitlement of the refuge revenue sharing program since 1980; and

**WHEREAS**, the deficit in refuge revenue sharing program payments represents a real economic hardship to many counties and citizens in North Dakota; and

**WHEREAS**, the difference between full entitlement and actual payments made to counties in North Dakota for 1998 was approximately \$224,000; and

**WHEREAS**, local concerns over the deficit in refuge revenue sharing program payments creates opposition to United States Fish and Wildlife Service land acquisition, land management activities, and other Fish and Wildlife Service programs; and

**WHEREAS**, state agencies such as the North Dakota Game and Fish Department and organizations such as the North Dakota Wetlands Trust and the Nature Conservancy, which pay actual taxes on the lands they own or manage, suffer criticism of and opposition to their programs as the result of concerns over the refuge revenue sharing program deficit; and

**WHEREAS**, it would be in the best interests of wildlife conservation, county government, local entities, landowners, and outdoor recreationists if the United States Fish and Wildlife Service made full refuge revenue sharing program payments;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-sixth Legislative Assembly urges the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program; and

**BE IT FURTHER RESOLVED**, that the North Dakota Legislative Assembly urges the North Dakota Congressional Delegation to seek and support appropriations providing full entitlement payments for the refuge revenue sharing program; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the director of the United States Fish and Wildlife Service, the Secretary of the Interior, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1093, HB 1284, HCR 3022.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093**

Page 1, line 9, replace "Proceeds" with "Net proceeds" and replace "must" with "may"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1284**

Page 2, line 4, overstrike "The five", remove "or more", overstrike "person membership", and overstrike "includes the"

Page 2, overstrike lines 5 and 6

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3022**

Page 1, after line 21, insert:

"**BE IT FURTHER RESOLVED**, that the study address the length of terms of office of members of the Senate and the House of Representatives; and"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1137, HCR 3015, HCR 3017, HCR 3023.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: SB 2196, SB 2215, SB 2305, SB 2306, SB 2314, SCR 4005, SCR 4015, SCR 4032, SCR 4041, SCR 4046.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2196, SB 2215, SB 2305, SB 2306, SB 2314, SCR 4005, SCR 4015, SCR 4032, SCR 4041, SCR 4046.

**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 2087, SB 2257, SB 2270, SB 2271, SB 2407.

**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 2039, SB 2040, SB 2084, SB 2116, SB 2121, SB 2134, SB 2204, SB 2223, SB 2312, SB 2435, SB 2438, SCR 4014, SCR 4024, SCR 4030, SCR 4043, SCR 4047, SCR 4049, SCR 4050, SCR 4053.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2029, SB 2264, SB 2298, SB 2347, SB 2358, SB 2369, SB 2382, SB 2405, SB 2426.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2029, SB 2264, SB 2298, SB 2347, SB 2358, SB 2369, SB 2382, SB 2405, SB 2426.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1028, HB 1045, HB 1069, HB 1072, HB 1080, HB 1099, HB 1101, HB 1122, HB 1126, HB 1130, HB 1143, HB 1188, HB 1200, HB 1209, HB 1233, HB 1266, HB 1303, HB 1332, HB 1347, HB 1349, HB 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456, HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

**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 1028, HB 1045, HB 1069, HB 1072, HB 1080, HB 1099, HB 1101, HB 1122, HB 1126, HB 1130, HB 1143, HB 1188, HB 1200, HB 1209, HB 1233, HB 1266, HB 1303, HB 1332, HB 1347, HB 1349, HB 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456, HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

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

**LANCE HAGEN, Chief Clerk**