

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, March 17, 1999

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

The prayer was offered by Pastor LaRue Goetz, Executive Director of STEER, Inc., Bismarck.

The roll was called and all members were present except Representatives Nicholas, Rennerfeldt, and Schmidt.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 16, 1999, I have signed the following: HB 1009, HB 1065, HB 1077, HB 1104, HB 1139, HB 1140, HB 1163, HB 1173, HB 1283, HB 1324, HB 1327, and HB 1411.

REQUEST

REP. THORPE REQUESTED that Engrossed SB 2321 be removed from the Sixth order and debated separately, which request was granted.

REQUEST

REP. BYERLY REQUESTED that Engrossed SB 2410 be removed from the Sixth order and debated separately, which request was granted.

SIXTH ORDER OF BUSINESS

SB 2321, as engrossed: REP. KEISER (Transportation Committee) MOVED that the amendments on HJ pages 845-846 be adopted, which motion failed on a verification vote. Engrossed SB 2321 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2410, as engrossed: REP. R. KELSCH (Education Committee) MOVED that the amendments on HJ page 846 be adopted, which motion prevailed on a verification vote. Engrossed SB 2410, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed SB 2189, Engrossed SB 2287, Engrossed SB 2288, Engrossed SB 2299, SB 2319, Engrossed SB 2349, Engrossed SCR 4027, and Engrossed SCR 4029 be adopted, which motion prevailed.

Engrossed SCR 4027 and Engrossed SCR 4029, as amended, were placed on the Tenth order of business on the calendar.

Engrossed SB 2189, Engrossed SB 2287, Engrossed SB 2288, Engrossed SB 2299, SB 2319, and Engrossed SB 2349, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. DORSO MOVED that House Rule 337 be suspended and that Engrossed SB 2410, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to an early childhood education teaching certificate.

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 69 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brekke; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gulletson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemm; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rose; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich

NAYS: Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; DeKrey; Delzer; Devlin; Galvin; Gorder; Grande; Grosz; Kempenich; Klein; Koppelman; Lloyd; Nelson; Renner; Sandvig; Thoreson, B.; Timm; Weisz; Speaker Wald

ABSENT AND NOT VOTING: Nicholas; Rennerfeldt; Schmidt

Engrossed SB 2410, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Herman Larson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1362 as printed on HJ page 825, which motion prevailed.

Engrossed HB 1362, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1071 as printed on HJ pages 834-835, which motion prevailed.

Engrossed HB 1071, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to Engrossed HB 1211 as printed on HJ page 835, which motion prevailed.

Engrossed HB 1211, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GROSZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1223 as printed on HJ page 825, which motion prevailed.

Engrossed HB 1223, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1310 as printed on HJ page 835, which motion prevailed.

Engrossed HB 1310, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1357 as printed on HJ page 790, which motion prevailed.

Engrossed HB 1357, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1284 as printed on HJ page 848, which motion prevailed.

HB 1284, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HCR 3022 as printed on HJ page 848, which motion prevailed.

HCR 3022, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to Engrossed HB 1151 as printed on HJ page 758 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1151: Reps. Drovdal, Brandenburg, Grumbo.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GROSZ MOVED that the House do not concur in the Senate amendments to HB 1166 as printed on HJ page 810 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1166: Reps. Drovdal, DeKrey, Sandvig.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to HB 1431 as printed on HJ pages 825-826 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1431: Reps. Sveen, Gunter, Meyer.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2159: Reps. Mickelson, R. Kelsch, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2161: Reps. Weisz, Belter, Meyer.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2185: Reps. Sveen, Klemin, Mahoney.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution for the amendment of section 11 of article IV of the Constitution of North Dakota, relating to the filling of vacancies in the legislative assembly.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Byerly; Cleary; Dalrymple; DeKrey; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Guleson; Gunter; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf;

Meyer; Mueller; Nichols; Niemeier; Nowatzki; Pollert; Rose; Sandvig; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

ABSENT AND NOT VOTING: Nicholas; Price; Rennerfeldt; Schmidt

SCR 4023, as amended, was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact section 39-16-03.1 of the North Dakota Century Code, relating to the confidentiality of a driver record or abstract.

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, 0 NAYS, 0 EXCUSED, 4 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; 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; Renner; 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: Nicholas; Price; Rennerfeldt; Schmidt

SB 2403 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2434: A BILL for an Act to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to outdoor advertising.

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

YEAS: Aarsvold; Brusegaard; Froelich; Nelson; Niemeier

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; 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; Metcalf; Meyer; Mickelson; Monson; Mueller; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; 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: Boucher; Nicholas; Price; Rennerfeldt; Schmidt

SB 2434 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the membership of the state board of higher education.

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 70 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gordier; Grande; 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; Lundgren; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rose; Sandvig; Severson; Solberg; Stefanowicz; Svedjan; Thoreson, B.; Thoreson, L.; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Boehm; Boucher; Byerly; Carlson; Delzer; Devlin; Eckre; Fairfield; Grosz; Grumbo; Gulleson; Lemieux; Lloyd; Mahoney; Maragos; Meyer; Nichols; Niemeier; Sveen; Thorpe; Timm; Tollefson; Wentz

ABSENT AND NOT VOTING: Nicholas; Price; Rennerfeldt; Schmidt

SCR 4016 was declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4035: A concurrent resolution directing the Legislative Council to study the substance and procedure of statutory agricultural liens.

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 30 YEAS, 64 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boehm; Brekke; Brusegaard; Dalrymple; Delmore; Delzer; Drovdal; Froelich; Glassheim; Hawken; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Maragos; Mickelson; Nelson; Nichols; Renner; Solberg; Stefanowicz; Sveen; Tollefson; Wentz

NAYS: Belter; Bernstein; Boucher; Brandenburg; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Gordier; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Johnson, N.; Kelsh, S.; Kerzman; Klein; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Monson; Mueller; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Rose; Sandvig; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Nicholas; Price; Rennerfeldt; Schmidt

SCR 4035 was declared lost on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4037: A concurrent resolution directing the Legislative Council to study the maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 52 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boucher; Brekke; Carlson; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; Eckre; Galvin; Glassheim; Grande; Grumbo; Gulleson; Hawken; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Kroeber; Mahoney; Maragos; Martinson; Mickelson; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Rose; Sandvig; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Winrich

NAYS: Belter; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; DeKrey; Delzer; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Gorder; Grosz; Gunter; Haas; Hanson; Henegar; Herbel; Johnson, D.; Kempenich; Klein; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Metcalf; Meyer; Monson; Mueller; Nelson; Nichols; Pollert; Renner; Stefanowicz; Thorpe; Warner; Weisz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Nicholas; Price; Rennerfeldt; Schmidt

SCR 4037 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; 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; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rose; Sandvig; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Belter; Delzer; Devlin; Grosz

ABSENT AND NOT VOTING: Nicholas; Price; Rennerfeldt; Schmidt

Engrossed SB 2005 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner.

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, 1 NAY, 0 EXCUSED, 5 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; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rose; Sandvig; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Stefanowicz

ABSENT AND NOT VOTING: Koppelman; Nicholas; Price; Rennerfeldt; Schmidt

Engrossed SB 2007 passed and the title was agreed to.

REQUEST

REP. KOPPELMAN REQUESTED that the record show that he was present and intended to vote YEA on SB 2007, which request was granted.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create and enact chapter 23-35 of the North Dakota Century Code, relating to public health law; to amend and reenact subsection 2 of section 23-01-05, subsection 2 of section 23-07.6-01, subdivision h of subsection 1 of section 40-01.1-04, section 54-52-02, and subsection 13 of section 58-06-01 of the North Dakota Century Code, relating to references to public health law and the powers and duties of boards of township supervisors; to repeal chapters 23-03, 23-04, 23-05, section 23-07-04, and chapter 23-14 of the North Dakota Century Code, relating to public health law; 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 62 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Cleary; Delmore; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froseth; Glassheim; Gordier; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thorpe; Warner; Wentz; Wikenheiser; Winrich

NAYS: Belter; Bernstein; Boehm; Brandenburg; Carlson; Clark; Dalrymple; Delzer; Devlin; Drovdal; Froelich; Galvin; Grande; Grosz; Henegar; Johnson, D.; Keiser; Kerzman; Klein; Lemieux; Lloyd; Mickelson; Monson; Nelson; Nichols; Pollert; Renner; Thoreson, L.; Timm; Tollefson; Weisz; Speaker Wald

ABSENT AND NOT VOTING: DeKrey; Nicholas; Rennerfeldt; Schmidt

Engrossed SB 2045 passed and the title was agreed to.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1151, HB 1166, and HB 1431 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1151: Reps. Drovdal; Brandenburg; Grumbo

HB 1166: Reps. Drovdal; DeKrey; Sandvig

HB 1431: Reps. Sveen; Gunter; Meyer

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 2159: Reps. Mickelson; R. Kelsch; Mahoney

SB 2161: Reps. Weisz; Belter; Meyer

SB 2185: Reps. Sveen; Klemin; Mahoney

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

MADAM PRESIDENT: The House has passed unchanged: SB 2187, SB 2234, SB 2282, SB 2335, SB 2353, SB 2366, SB 2436, SCR 4019, SCR 4028, SCR 4031, SCR 4038, SCR 4039, SCR 4042, SCR 4048.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2273, SB 2333.

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

MADAM PRESIDENT: The House has failed to pass: SB 2341, SB 2391.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SCR 4033.

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., Thursday, March 18, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2030, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 9, after "by" insert "or a loan from"

Page 1, line 10, remove "alumni"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 230 - UNIVERSITY OF NORTH DAKOTA

HOUSE - In addition to other available sources of funding for construction of the university bookstore building, this amendment authorizes the University of North Dakota to spend funds resulting from obtaining a loan from the University of North Dakota foundation for the project.

REPORT OF STANDING COMMITTEE

SB 2031, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2036, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second "the" insert "state"

Page 1, line 12, remove the overstrike over "~~basic care~~" and remove "assisted"

Page 1, line 13, remove "living facility"

Page 1, line 17, after the second "facility" insert "or basic care facility" and after the third "facility" insert "or basic care facility"

Page 4, line 20, after "**AND**" insert "**STATE**"

Page 4, line 21, after "the" insert "state"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2055, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2055 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "ninety-one" with "seventy-five"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - The amendment reduces the per diem rate for attendance at Legislative Council related meetings from \$91 as approved by the Senate to \$75 as introduced and recommended by the Legislative Compensation Commission. The current per diem rate is \$62.50.

REPORT OF STANDING COMMITTEE

SB 2088: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and" and remove "15-04-09,"

Page 1, remove lines 4 through 16

Page 1, line 21, remove the overstrike over the overstruck comma

Page 1, line 22, remove the overstrike over "~~and must be held at the county seat~~"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 15-04 of the North Dakota Century Code is created and enacted as follows:

County services benefiting school trust lands - Payment. On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant lands. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The total fees paid under this section may not exceed five percent of the net revenue generated during that period from the original grant lands in that county. For purposes of this section, net revenue means the gross revenue from surface management, less any administrative and operating expenses, but does not include any moneys that must be deposited in a permanent trust fund.

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2127, as engrossed: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "three" and insert immediately thereafter "five"

Page 1, line 13, overstrike "three" and insert immediately thereafter "five"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2154: 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). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 3, after "state" insert "special education"

Page 3, line 19, after "state" insert "special education" and after "funds" insert "due a school district that is found to be in violation of providing a free appropriate public education in an amount equal to the cost of meeting the affected individual students' needs"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: 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). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, after line 14, insert:

- "3. "Institutional review board" means any board, committee, or other group formally designated by an institution or public health authority or authorized under federal or state law to review, approve the initiation of, or conduct a periodic review of research programs to assure the protection of the rights and welfare of human research subjects."

Page 1, line 15, replace "3" with "4"

Page 1, line 18, replace "4" with "5"

Page 1, line 23, replace "5" with "6"

Page 2, line 3, replace "6" with "7"

Page 2, line 19, replace "7" with "8"

Page 2, line 26, replace "8" with "9"

Page 2, line 30, replace "9" with "10"

Page 3, line 1, replace "10" with "11"

Page 3, line 7, after the period insert "Subject to section 23-01-15, subsection 1 of section 23-07-02.2, and any other requirements of this title, this chapter does not prohibit a public health authority from disclosing protected health information for use in a biomedical research project approved by an institutional review board or public health information that has been transformed to protect the identity of the patient through coding or encryption if the information is disclosed for use in an epidemiological or statistical study."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2171 was placed on the Sixth order on the calendar.

Page 4, line 27, replace "Whether" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether"

Page 9, line 7, replace "Establish" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish"

Page 9, line 28, after "within" insert "thirty days after a court determines that reasonable efforts of the type described in subsection 2 of section 6 of this Act are not required, or"

Page 14, line 8, replace "5" with "6"

Page 14, line 25, remove "or"

Page 14, line 27, after "care" insert "; or"

- (3) The date a child is placed in foster care voluntarily and with the consent of the child's parent"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "26.1-26-01," and remove "26.1-26-06,"

Page 1, line 3, remove "26.1-26-09,"

Page 1, line 4, remove "26.1-26-32,"

Page 1, line 5, remove "26.1-26-42,"

Page 3, line 5, remove the overstrike over "~~a license for~~", after "resident" insert "an", and remove the overstrike over "~~agent or limited insurance representative~~"

Page 3, line 6, remove "an insurance agent's license"

Page 3, line 22, remove the overstrike over "~~or limited insurance representative~~"

Page 5, line 11, remove the overstrike over "~~However, if the laws or rules of another state require a~~"

Page 5, remove the overstrike over lines 12 through 24

Page 5, remove lines 25 through 30

Page 6, remove lines 1 and 2

Page 6, line 21, remove the overstrike over "~~\"Limited insurance representative\" means an individual, partnership,~~" and insert immediately thereafter "limited liability partnership," and remove the overstrike over "~~corporation,~~"

Page 6, remove the overstrike over lines 22 through 26

Page 6, line 27, remove the overstrike over "6:"

Page 7, line 3, remove "or" and remove the overstrike over "~~;~~or limited representative~~~~"

Page 7, line 5, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 7, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 17, remove the overstrike over "~~limited insurance representative,~~"

Page 7, line 19, remove the overstrike over "limited"

Page 7, line 20, remove the overstrike over "~~insurance representative,~~"

Page 7, line 23, remove the overstrike over "~~limited insurance representative,~~"

Page 8, line 6, remove the overstrike over "~~limited insurance representative,~~"

Page 8, remove lines 17 through 23

Page 8, line 29, remove the overstrike over "~~limited insurance representative,~~"

Page 9, remove lines 20 through 31

Page 10, remove lines 1 through 12

Page 10, line 29, remove the overstrike over "~~Agent or limited representative~~" and remove "Insurance agent"

Page 10, line 30, remove the overstrike over "~~or limited~~"

Page 10, line 31, remove the overstrike over "~~insurance representative,~~"

Page 11, line 2, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 4, remove the overstrike over "~~or limited insurance representative~~"

Page 11, line 5, remove the overstrike over "~~or limited insurance~~"

Page 11, line 6, remove the overstrike over "~~representative~~"

Page 12, line 25, remove the overstrike over "~~limited insurance representative,~~"

Page 12, line 30, after the first comma insert "**limited liability partnership,**"

Page 15, remove lines 7 through 12

Page 17, line 4, remove the overstrike over "~~limited insurance representative,~~"

Page 17, line 6, remove the overstrike over "~~limited insurance representative,~~"

Page 17, remove lines 8 through 31

Page 18, remove lines 1 through 21

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2396: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2396 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for nonprofit mutual insurance companies to evaluate hospital reimbursement rates; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Nonprofit mutual insurance companies - Evaluation of hospital reimbursement rates - Report. Before December 1, 1999, every nonprofit mutual insurance company domiciled in this state, in cooperation with every nonprofit hospital in this state, shall evaluate the company's reimbursement rates for health care services provided by the hospitals. The evaluation must include a review of the financial impact the reimbursement rates have on each nonprofit hospital. The evaluation must also include consideration of premium rates and the financial condition of the nonprofit mutual insurance company. Each nonprofit hospital shall provide audited financial statements to the nonprofit mutual insurance company directly or through a third party. Each nonprofit mutual insurance company subject to this section shall file a report of the findings of the evaluation with the legislative council before December 1, 1999.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2000, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2413, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2413 was placed on the Sixth order on the calendar.

Page 4, line 5, after "rules" insert "pursuant to chapter 28-32"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4036, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS,

1 ABSENT AND NOT VOTING). Engrossed SCR 4036 was placed on the Sixth order on the calendar.

Page 1, after line 20, insert:

"**WHEREAS**, while federal law requires states to disregard the months of assistance received by an adult while living on an Indian reservation with at least fifty percent unemployment, a conflict has arisen as to the method to be used to determine unemployment rate statistics; and"

Page 2, after line 6, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Council, in conducting its study, evaluate the use of the Bureau of Indian Affairs unemployment rate statistics to determine if adults within an Indian reservation are exempt from the state's lifetime limit under the temporary assistance for needy families program and evaluate and consider other methods of determining the unemployment rate specifically as it applies to those areas; and"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1075, HB 1377.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1075

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, replace "; and to" with a period

Page 1, remove lines 5 and 6

Page 2, line 31, overstrike "may" and insert immediately thereafter "shall" and overstrike "person" and insert immediately thereafter "applicant"

Page 3, line 1, after "jurisdiction" insert "regardless of whether the applicant has been employed as a nursing home administrator"

Page 3, remove lines 19 and 20

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1377

Page 2, line 27, remove "If the board of commissioners determines to"

Page 2, remove lines 28 and 29

Page 3, line 11, after "annexed" insert an underscored comma

Page 3, line 12, after "resolution" insert an underscored comma

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1260, HB 1315, HB 1356, HB 1372, HB 1388, HB 1417, HB 1439, HB 1450, HCR 3027.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1272: Sens. Lee; Flakoll; C. Nelson

HB 1447: Sens. Christmann; Traynor; Heitkamp

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2087, SB 2257, SB 2270, SB 2271, SB 2407.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2087, SB 2257, SB 2270, SB 2271, SB 2407.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2054, SB 2119, SB 2132, SB 2136, SB 2177, SB 2213, SB 2240, SB 2255, SB 2326.

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

MADAM PRESIDENT: The Speaker has signed: SB 2054, SB 2119, SB 2132, SB 2136, SB 2177, SB 2213, SB 2240, SB 2255, SB 2326.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: 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.

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

MADAM PRESIDENT: The Speaker has signed: 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.

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

MR. SPEAKER: The President has signed: HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

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

MR. SPEAKER: The President has signed: 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 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456.

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

LANCE HAGEN, Chief Clerk