

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, January 21, 1999

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

The prayer was offered by Pastor Randy Mantik, Evangel Temple, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

SPECIAL ORDER OF BUSINESS

SPEAKER WALD INTRODUCED Rep. Rex Haag, Immediate Past Speaker of the South Dakota House of Representatives.

MOTION

REP. NOTTESTAD MOVED that the House reconsider its action whereby Engrossed HB 1129 passed, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact subsection 7 of section 23-29-03 and subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to littering.

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 19 YEAS, 79 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Cleary; Disrud; Ekstrom; Hanson; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Kroeber; Metcalf; Mickelson; Pollert; Porter; Price; Solberg; Stefonowicz; Sveen

NAYS: Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Kempenich; Kerzman; Klein; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1129 was declared lost.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HB 1209, HB 1216, HB 1269, and HB 1270 be adopted, which motion prevailed.

HB 1209, HB 1216, HB 1269, and HB 1270, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1082: A BILL for an Act to amend and reenact section 57-36-07 of the North Dakota Century Code, relating to the size of packages for cigarette and roll-your-own tobacco sales or distribution; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Brusegaard; Byerly; Carlson; Delzer; Drovdal; Grosz; Klein; Timm; Weisz

ABSENT AND NOT VOTING: Lemieux; Maragos

Engrossed HB 1082 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact sections 15-47-08, 16.1-11-16, 16.1-12-02, 40-08-06, 40-13-03, 40-21-02, 40-21-07, 44-01-04, and 44-02-01 of the North Dakota Century Code, relating to officers of political subdivisions taking oaths of office and failing to qualify for office, nominating petitions and procedures for circulating nominating petitions, filling unexpired terms on a city council by election, and appointing election workers in city elections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1181 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-12-02 and subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to an exemption from width, height, and weight limitations for commercial portable grain cleaners.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; 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; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt;

Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1065 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact sections 23-34-03, 43-17-03, 43-17.1-01, 43-17.1-02, 43-17.1-04, 43-17.1-05, 43-17.1-05.1, 43-17.1-06, 43-17.1-08, and 43-17.1-09 of the North Dakota Century Code, relating to the commission on medical competency; and to repeal section 43-17.1-03 of the North Dakota Century Code, relating to compensation of members of the commission on medical competency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1157 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to provide automated external defibrillator site requirements and civil liability immunity for the use of an automated external defibrillator.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1242 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code, relating to compensation for members of the education factfinding commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1059 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to create and enact a new subsection to section 49-02-01.2 of the North Dakota Century Code, relating to reporting of natural gas incidents.

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 29 YEAS, 69 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Gullerson; Hanson; Hoffner; Kelsh, S.; Klein; Koppelman; Kroeber; Lemieux; Lundgren; Metcalf; Mueller; Nichols; Niemeier; Rose; Sandvig; Sveen; Thorpe; Warner; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovda; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

HB 1087 was declared lost.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to disclosure of child abuse and neglect case information.

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 2 YEAS, 95 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Drovda

HB 1118 was declared lost.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to amend and reenact subsection 7 of section 39-06-32, subdivision a of subsection 1 of section 39-08-01, sections 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2 and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the alcohol concentration for motor vehicle operators.

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 29 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Brusegaard; Cleary; Dalrymple; Galvin; Gorder; Gunter; Herbel; Kelsh, S.; Lemieux; Lloyd; Lundgren; Maragos; Metcalf; Mueller; Niemeier; Nottestad; Nowatzki; Price; Sandvig; Solberg; Stefonowicz; Sveen; Thorpe; Tollefson; Warner; Wentz; Winrich

NAYS: Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Mahoney; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Pollert; Poolman; Porter; Renner; Rennerfeldt; Rose; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Drovdal

HB 1134 was declared lost.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to appeals of water resource board decisions of noncomplying dams, dikes, or other devices to the state engineer.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Bernstein; Drovdal; Kelsh, S.

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to create and enact five new sections to chapter 61-24.6 of the North Dakota Century Code, relating to water rates, operation and maintenance fund, reserve fund for replacement, capital costs, and areas served by the northwest area water supply project; and to amend and reenact section 61-02-23.1 and subsections 3, 6, and 7 of section 61-24.6-02 of the North Dakota Century Code, relating to

condemnation of property for and inclusion of Pierce County in the northwest area water supply project.

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, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Disrud; Dorso; 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; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; DeKrey; Devlin; Meyer; Weisz

ABSENT AND NOT VOTING: Bernstein; Drovdal

HB 1166 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact section 57-51-16 of the North Dakota Century Code, relating to the allocation of revenue from oil and gas gross production taxes from unidentified sources; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Bernstein; Drovdal

HB 1203 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1212: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to adding a prehospital emergency medical service provider to the health council.

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 19 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Hanson; Kelsh, S.; Kerzman; Kroeber; Lundgren; Maragos; Nicholas; Nichols; Niemeier; Porter; Sandvig; Severson; Thorpe; Warner

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Price; Renner; Rennerfeldt; Rose; Schmidt; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Drovdal

HB 1212 was declared lost.

SECOND READING OF HOUSE BILL

HB 1240: A BILL for an Act to amend and reenact subsections 20 and 22 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for disabled and blind persons; 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 NOT PASS, the roll was called and there were 1 YEA, 96 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Byerly

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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; Poolman; 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: Drovdal

HB 1240 was declared lost.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to amend and reenact 10-13-06 of the North Dakota Century Code, relating to the distribution of electric cooperative revenues.

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 4 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Byerly; Keiser; Klein; Tollefson

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Drovdal

HB 1277 was declared lost.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1045, HB 1080, HB 1100, HB 1149, HB 1171, HB 1174.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2067, SB 2107, SB 2116, SB 2120, SB 2128, SB 2136, SB 2184.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1106, HB 1109.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, January 22, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1027: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1029: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1042: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1042 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 9 of section 30.1-28-12, sections"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 through 5

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1064: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "A description of the instructional plan to be followed during the school year,"

Page 1, overstrike line 19

Page 1, line 20, remove "certificated" and overstrike "teacher that the instructional plan is appropriate for the"

Page 1, line 21, overstrike "child." and insert immediately thereafter "An individualized education program developed and followed by the child's school district of residence and the child's parent; or, after providing written notice to the superintendent of the child's school district of residence, a substitute individualized education program, developed and followed, according to section 15-34.1-12.1, by an individualized education program team selected by and compensated by the child's parent."

Page 2, line 2, after "~~school~~" insert "**education**", remove the overstrike over "~~Progress reports~~", and remove "**education - Professional observations**"

Page 2, line 6, remove the overstrike over "~~progress reports~~" and remove "written observations"

Page 2, line 7, overstrike "an occupational therapist, a speech pathologist, and a"

Page 2, line 8, remove "certificated", overstrike "teacher" and insert immediately thereafter "the individualized education program team selected under section 15-34.1-12", and overstrike "occupational"

Page 2, line 9, overstrike "therapist, the speech pathologist, and the", remove "certificated", and overstrike "teacher agree" and insert immediately thereafter "individualized education program team agrees"

Page 2, line 10, remove "the child is not benefiting from home"

Page 2, line 11, remove "education" and overstrike ", they" and insert immediately thereafter "the child is not benefiting from home education, the team"

Page 2, line 12, after "team" insert "appointed by the superintendent of the child's school district of residence"

Page 2, line 13, remove "The child's school district of residence shall provide the services of the"

Page 2, remove lines 14 through 18

Page 2, line 19, remove "3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1142: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1215: Transportation Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1215 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1255: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1271: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1271 was placed on the Sixth order on the calendar.

Page 1, line 10, remove ", earning or productive capacity, or market value"

Page 1, line 11, replace "not subject to section 44-04-18 and section 6 of article XI" with "confidential"

Page 1, line 12, remove "of the Constitution of North Dakota"

Page 1, line 14, after "property" insert "or the disclosure of the records or information when an action or proceeding has been brought by the owner or occupant to set aside or review the assessment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1296: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1296 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "**to budget section**" and insert immediately thereafter "**in annual financial audit**"

Page 2, line 12, after "rulemaking" insert "and must include requirements or incentives for the early reporting of injuries"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1298: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1312: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1318: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1318 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1321: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3005: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3005 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Maragos, Jensen and Sens. Fischer, Tallackson introduced:

HCR 3023: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the Constitution of the United States to provide for abolition of the electoral college system and adoption of direct popular vote for election of the President and Vice President.

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

Reps. Froelich, Kerzman, Lemieux and Sens. Bercier, Krauter introduced:

HCR 3024: A concurrent resolution urging the administration of the University of North Dakota to change the university's sports teams' nickname.

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

Reps. Glassheim, Sveen introduced:

HCR 3025: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a rainy day fund.

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

FIRST READING OF SENATE BILLS

SB 2067: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 1999; and to provide for a legislative council study on the validation of bonds.

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

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.

Was read the first time and referred to the **Natural Resources Committee**.

SB 2116: A BILL for an Act to amend and reenact subsection 2 of section 54-05.1-03 and subsection 1 of section 54-05.1-04 of the North Dakota Century Code, relating to fees for late filing of lobbyist reports and posting of lists of lobbyists in the legislative chambers; and to declare an emergency.

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

SB 2120: A BILL for an Act to amend and reenact section 16.1-10-06 of the North Dakota Century Code, relating to electioneering on election day.

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

SB 2128: A BILL for an Act to amend and reenact section 11-13-02.1 and subsection 2 of section 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical information.

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

SB 2136: A BILL for an Act to amend and reenact section 6-09-37 of the North Dakota Century Code, relating to sale of land acquired by the Bank of North Dakota.

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

SB 2184: A BILL for an Act to amend and reenact sections 39-10-05, 39-10-06, and 39-10-07 of the North Dakota Century Code, relating to traffic control signals.

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

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

LANCE HAGEN, Chief Clerk