

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, January 26, 1999

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

The prayer was offered by Sister Kathleen Kuntz, Sacred Heart Monastery, Richardton.

The roll was called and all members were present except Representatives Henegar and Thorpe.

A quorum was declared by the Speaker.

## MOTION

**REP. BELTER MOVED** that HB 1448 be returned to the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. SOLBERG REQUESTED** the unanimous consent of the House to withdraw HB 1448. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. BELTER MOVED** that HB 1421 be returned to the the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. TOLLEFSON REQUESTED** the unanimous consent of the House to withdraw HB 1421. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1050, HB 1057, HB 1201, HB 1227, HB 1279, and HCR 3010 be adopted, which motion prevailed.

HB 1050, HB 1057, HB 1201, HB 1227, HB 1279, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

HCR 3010, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

## SPECIAL ORDER OF BUSINESS

**SPEAKER WALD INTRODUCED** Elizabeth Chu, Director General of the Taipei Economic and Cultural Office, and a guest of Rep. Nicholas.

## SECOND READING OF HOUSE BILL

**HB 1068:** A BILL for an Act to amend and reenact subsection 2 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for mobility impaired.

## 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 14 YEAS, 79 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; DeKrey; Froelich; Jensen; Kelsh, S.; Kerzman; Mahoney; Maragos; Meyer; Solberg; Stefonowicz; Sveen; Weisz; Wentz

**NAYS:** Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boehm; Henegar; Nicholas; Poolman; Thorpe

Engrossed HB 1068 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1132:** A BILL for an Act to amend and reenact subsection 6 of section 28-32-02 of the North Dakota Century Code, relating to the length of time that an emergency rule may remain in effect before final adoption; and to provide an effective date.

### 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 93 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Henegar; Nicholas; Thorpe

Engrossed HB 1132 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1133:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-28-01 of the North Dakota Century Code, relating to the definition of gambling; and to provide an expiration date.

### 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 26 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Delmore; Dorso; Ekstrom; Froelich; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kliniske; Kroeber; Mahoney; Maragos; Meyer; Nelson; Nichols; Nottestad; Porter; Stefonowicz; Sveen; Thoreson, L.; Timm; Wentz; Winrich; Speaker Wald

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Drovda; Eckre; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hoffner; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Martinson; Metcalf; Mickelson; Mueller; Niemeier; Nowatzki; Pollert; Poolman; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Tollefson; Warner; Weisz; Wikenheiser

**ABSENT AND NOT VOTING:** Henegar; Monson; Nicholas; Thorpe

Engrossed HB 1133 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1032:** A BILL for an Act to amend and reenact section 27-20-52.1 of the North Dakota Century Code, relating to the law enforcement data base of delinquent juveniles.

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

**YEAS:** Timm

**NAYS:** 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; 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; 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.; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1032 was declared lost.

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**REQUEST**

**REP. TIMM REQUESTED** that the record show that he intended to vote "Nay" on HB 1032, which request was granted.

**SECOND READING OF HOUSE BILL**

**HB 1120:** A BILL for an Act to amend and reenact section 32-05-02 of the North Dakota Century Code, relating to exceptions to use of preventive relief to enforce penal statutes.

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

**YEAS:** Boucher

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1120 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1195:** A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the muzzleloading deer hunting season.

**ROLL CALL**

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin;

Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1195 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1208:** A BILL for an Act to amend and reenact subsection 7 of section 55-05-02 of the North Dakota Century Code, relating to supervision of the International Peace Garden by the state parks and recreation department; to provide an effective date; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; Henegar; Monson; Thorpe

HB 1208 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to use of hunting license fees; and to amend and reenact sections 20.1-02-16.1, 20.1-03-12, 20.1-03-17, 20.1-03-30, and 20.1-06-16 of the North Dakota Century Code, relating to deposit of hunting license fees in the game and fish fund.

### 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 33 YEAS, 61 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Boucher; Brandenburg; Brekke; DeKrey; Devlin; Fairfield; Froelich; Galvin; Glassheim; Grumbo; Guleson; Gunter; Huether; Kempenich; Kerzman; Lemieux; Meyer; Nichols; Niemeier; Nowatzki; Poolman; Renner; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Warner; Weisz; Wentz; Winrich

**NAYS:** Belter; Berg; Bernstein; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Gorder; Grande; Grosz; Haas; Hanson; Hawken; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Mickelson; Mueller; Nelson; Nicholas; Nottestad; Pollert; Porter; Price; Rennerfeldt; Rose; Sandvig; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Maragos; Monson; Thorpe

HB 1214 was declared lost.

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#### MOTION

**REP. DORSO MOVED** that HB 1218 be placed at the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1222:** A BILL for an Act to amend and reenact section 11-11.1-01 of the North Dakota Century Code, relating to elections to discontinue county job development authorities.

#### ROLL CALL

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1222 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1229:** A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations for vehicles on highways that are not in the interstate system.

#### 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 88 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; 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.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Carlson; Delzer; Devlin; Grande; Metcalf; Warner

**ABSENT AND NOT VOTING:** Galvin; Henegar; Monson; Thorpe

HB 1229 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1234:** A BILL for an Act to amend and reenact section 27-09.1-05.1 of the North Dakota Century Code, relating to selection of jurors from a judicial district.

**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, 2 NAYS, 0 EXCUSED, 3 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; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Devlin

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1234 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1244:** A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to reimbursement of landowners for damage caused by hunters; and to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to duties of the game and fish advisory board; and to provide a continuing appropriation.

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

**YEAS:** Aarsvold; Boucher; Brandenburg; Brekke; Brusegaard; DeKrey; Devlin; Disrud; Drovdal; Fairfield; Froelich; Froseth; Gulleson; Kempenich; Kerzman; Lemieux; Meyer; Nichols; Niemeier; Price; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Weisz

**NAYS:** Belter; Berg; Bernstein; Boehm; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Dorso; Eckre; Ekstrom; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rennerfeldt; Rose; Sandvig; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1244 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1259:** A BILL for an Act to amend and reenact subsection 1 of section 21-10-01 and section 65-04-02 of the North Dakota Century Code, relating to the membership of the state investment board and to workers' compensation reserves.

**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; 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; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brusegaard; Henegar; Monson; Thorpe

HB 1259 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1278:** A BILL for an Act to amend and reenact section 43-23-08.2 of the North Dakota Century Code, relating to continuing education requirements for real estate licensure.

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

**YEAS:** Aarsvold

**NAYS:** 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; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; 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; 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.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Galvin; Henegar; Monson; Thorpe

HB 1278 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1287:** A BILL for an Act to create and enact a new section to chapter 54-44.8 of the North Dakota Century Code, relating to a disability telecommunications advisory 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 8 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Cleary; Ekstrom; Fairfield; Glassheim; Kelsh, S.; Kroeber; Maragos; Sandvig

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

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1287 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1309:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to allowing certain nonresident property owners to vote in political subdivision ad valorem tax elections.

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

**YEAS:** Aarsvold; Boehm; Brusegaard; DeKrey; Delzer; Devlin; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleon; Gunter; Huether; Jensen; Kempenich; Lemieux; Mahoney; Metcalf; Niemeier; Pollert; Renner; Rennerfeldt; Sandvig; Severson; Weisz

**NAYS:** Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Haas; Hanson; Hawken; Herbel; Hoffner; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Maragos; Martinson; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Poolman; Porter; Price; Rose; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Henegar; Monson; Thorpe

HB 1309 was declared lost.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1042, HB 1064, HB 1159, HB 1215, HB 1255, HB 1271, HB 1318.

**MOTION**

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

**MOTION**

**REP. DORSO MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Wednesday, January 27, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1031: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1031 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1074: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1074 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1147: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1151: 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). HB 1151 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-20.4 of the North Dakota Century Code, relating to a voluntary application for an authorization to operate a postsecondary educational institution; to"

Page 7, after line 4, insert:

**"SECTION 6.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

Voluntary application for authorization to operate. Although a postsecondary educational institution not operating in this state is exempt from this chapter by section 15-20.4-02, the institution may subject itself to the requirements of this chapter by applying for and being awarded an authorization to operate by the board. An authorization to operate, as applied to a postsecondary educational institution not operating in this state, means approval of the board to offer to students in this state educational services leading to educational credentials."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1180: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "~~if available~~,"

Page 2, line 7, remove the overstrike over "~~if available~~,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1186: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "15-11-19,"

Page 1, line 6, remove "15-12-11, 15-12-12,"

Page 1, line 11, remove "supervision of law school library,"

Page 1, line 14, remove "publications furnished to the"

Page 1, remove line 15

Page 8, line 6, replace "15-20-23" with "15-10-23"

Page 8, line 7, remove "15-11-19,"

Page 8, line 8, remove "15-12-11, 15-12-12,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1191: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1192: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1192 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1193: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1198: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1204: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1204 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1205: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1205 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1235: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1235 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1237: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1237 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1248: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1288: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1289: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1289 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1305: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1331: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1331 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1349: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1371: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1371 was placed on the Eleventh order on the calendar.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 1:50 p.m., January 26, 1999: HB 1106, HB 1109.

**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 2042, SB 2209, SB 2229, SB 2231, SB 2238, SCR 4006.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Maragos, Glassheim, R. Kelsch and Sen. W. Stenehjem introduced:

**HCR 3027:** A concurrent resolution directing the Legislative Council to study heritage tourism and the relationships among the State Historical Society, Parks and Recreation Department, Tourism Department, Department of Economic Development and Finance, and private sector promoters and developers of heritage tourism in the state.

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

**FIRST READING OF SENATE BILLS**

**SB 2042:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to evidences of indebtedness and the withholding of state aid to school districts; and to amend and reenact sections 6-09.4-18 and 21-03-44 of the North Dakota Century Code, relating to insurance or guaranties for bonds and sinking funds.

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

**SB 2209:** A BILL for an Act to amend and reenact section 54-03.1-02 of the North Dakota Century Code, relating to the date of convening of the organizational session of the legislative assembly.

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

**SB 2229:** A BILL for an Act to amend and reenact sections 35-21-02, 35-21-03, 35-21-04, and 35-21-05 of the North Dakota Century Code, relating to the release of a lien by an undertaking.

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

**SB 2231:** A BILL for an Act to repeal sections 11-13-10 and 11-14-05 of the North Dakota Century Code, relating to certification of abstracts by county auditors and treasurers.

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

**SB 2238:** A BILL for an Act to amend and reenact section 58-06-04 of the North Dakota Century Code, relating to emergency meetings of boards of township supervisors.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4006:** A concurrent resolution directing the Legislative Council to study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas.

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

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

**LANCE HAGEN, Chief Clerk**