

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, February 5, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

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

The roll was called and all members were present except Representatives Brandenburg, Dorso, Fairfield, Lloyd, and Timm.

A quorum was declared by the Speaker.

## MOTION

**REP. MONSON MOVED** that HB 1043, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1144, HB 1177, HB 1196, HB 1243, HB 1295, HB 1329, HB 1330, HB 1353, HB 1382, HB 1424, HB 1443, HB 1447, HB 1450, HB 1473, and HB 1474 be adopted, which motion prevailed.

HB 1144 and HB 1443, as amended, were rereferred to the **Appropriations Committee**.

HB 1177, HB 1196, HB 1243, HB 1295, HB 1329, HB 1330, HB 1353, HB 1382, HB 1424, HB 1447, HB 1450, HB 1473, and HB 1474, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1121:** A BILL for an Act to amend and reenact sections 14-09-08.1 and 14-09-09.29 of the North Dakota Century Code, relating to notice procedures, procedures upon failure to pay child support, and coordination of income withholding services; to provide an effective date; to provide an expiration date; 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 93 YEAS, 0 NAYS, 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; Drovdal; Eckre; Ekstrom; 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; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

Engrossed HB 1121 passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF HOUSE BILL

**HB 1122:** A BILL for an Act to amend and reenact sections 54-44.8-01, 54-44.8-03, and 54-44.8-06 of the North Dakota Century Code, relating to administration of the program for telecommunications services for communications impaired persons.

**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, 0 NAYS, 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; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

Engrossed HB 1122 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1388:** A BILL for an Act to create and enact two new sections to chapter 43-15 of the North Dakota Century Code, relating to pharmacist education requirements and approved laboratory tests; and to amend and reenact subsection 23 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

**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 89 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; DeKrey; Poolman; Porter

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

Engrossed HB 1388 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1280:** A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to state liability for costs associated with implementing an income shares child support guidelines model; and to amend and reenact sections 14-08.1-06, 14-08.1-07, subsection 2 of section 14-09-08.5, section 14-09-08.6, subsection 2 of section 14-09-08.8, subsection 1 of section 14-09-09.7, and section 14-09-09.10, relating to child support obligees and obligors.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Froseth; Grande; Grosz; Grumbo; Gunter; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser;

Kempenich; Koppelman; Maragos; Meyer; Mickelson; Monson; Nelson; Nowatzki; Renner; Thoreson, L.; Tollefson; Warner; Winrich; Speaker Wald

**NAYS:** Boucher; Byerly; Carlisle; Cleary; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gorder; Gulleston; Haas; Hanson; Hawken; Henegar; Hoffner; Jensen; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Martinson; Metcalf; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thorpe; Weisz; Wentz; Wikenheiser

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

HB 1280 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1415:** A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly; 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 89 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Boehm; Hanson; Mueller

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

HB 1415 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1432:** A BILL for an Act to amend and reenact sections 18-05-06, 18-05-07, and 18-05-10 of the North Dakota Century Code, relating to participation by emergency medical technicians, emergency care technicians, and certified advanced first-aid ambulance personnel in firefighters relief associations.

### 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, 92 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Severson

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; 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; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Rennerfeldt; Timm

HB 1432 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1455:** A BILL for an Act to create and enact sections 61-02-68.14, 61-02-68.15, 61-02-68.16, 61-02-68.17, and 61-02-68.18 of the North Dakota Century Code, relating to state water commission bonding authority; to amend and reenact section 61-02-68.1 of the North Dakota Century Code, relating to guarantees of evidences of indebtedness by the state water commission; 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 NOT PASS, the roll was called and there were 5 YEAS, 87 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Grumbo; Guleson; Huether; Kelsh, S.

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

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Maragos; Rennerfeldt; Timm

HB 1455 was declared lost.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Ted Lang

### SECOND READING OF HOUSE BILL

**HB 1491:** A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to authority of the department of human services with respect to participation in the state merit system; and to amend and reenact subsection 26 of section 50-06-05.1, sections 50-09-02, 50-10-06, 54-44.3-17, and 54-44.3-30 of the North Dakota Century Code, relating to county public assistance agency participation in the state merit system.

### 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 18 YEAS, 76 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boehm; Carlson; Delzer; Disrud; Ekstrom; Froelich; Galvin; Grande; Grosz; Hawken; Johnson, N.; Kelsh, S.; Koppelman; Lemieux; Maragos; Nottestad; Renner; Wentz

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Drovdal; Eckre; Froseth; Glassheim; Gorder; Grumbo; Guleson; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Timm

HB 1491 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1494:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

**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 39 YEAS, 53 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Dalrymple; Delmore; Disrud; Eckre; Ekstrom; Froseth; Glassheim; Grande; Grosz; Hawken; Jensen; Johnson, N.; Keiser; Kelsch, S.; Klein; Klemin; Kliniske; Kroeber; Maragos; Martinson; Meyer; Mickelson; Nelson; Nicholas; Nottestad; Poolman; Sveen; Thoreson, B.; Thoreson, L.; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Belter; Boehm; Boucher; Carlisle; Clark; Cleary; DeKrey; Delzer; Devlin; Froelich; Galvin; Gorder; Grumbo; Guleson; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Koppang; Koppelman; Lemieux; Lundgren; Mahoney; Metcalf; Monson; Mueller; Nichols; Niemeier; Nowatzki; Pollert; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thorpe; Tollefson; Warner; Weisz; Wentz

**ABSENT AND NOT VOTING:** Dorso; Drovdal; Fairfield; Lloyd; Porter; Timm

HB 1494 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1025:** A BILL for an Act to amend and reenact sections 28-32-02.3 and 28-32-02.4 of the North Dakota Century Code, relating to adoption of administrative rules from federal guidelines and adoption of rules by reference and appropriate circumstances; 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 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; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; 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; 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; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Kelsch, S.

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Froelich; Lloyd; Timm

HB 1025 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 11-33.2, a new subsection to section 61-16.2-02, and a new section to chapter 61-16.2 of the North Dakota Century Code, relating to identifying the floodplain on plats, definition of community, and state engineer review of uses in floodways; and to amend and reenact subsection 2 of section 11-33-03, subsection 2 of section 40-47-03, subsection 11 of section 40-50.1-01, sections 58-03-12, 61-16.2-04, 61-16.2-08, and 61-16.2-13 of the North Dakota Century Code, relating to emergency management, identifying floodplain

on plats, delineation of the floodway for lakes, elevation of structure in the floodway, and mandatory community participation in the flood insurance program.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 1 NAY, 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; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; 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.; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Thorpe

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Timm

HB 1167 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1199:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the creation of a residency incentive loan program.

#### 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 21 YEAS, 72 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Cleary; Drovdal; Froelich; Galvin; Grumbo; Gulleason; Hoffner; Keiser; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Maragos; Martinson; Nichols; Niemeier; Rose; Schmidt; Winrich

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Eckre; Ekstrom; Froseth; Glassheim; Gordier; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Lundgren; Mahoney; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Nowatzki; Timm

HB 1199 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1224:** A BILL for an Act to amend and reenact subsection 4 of section 15-47-38 of the North Dakota Century Code, relating to teacher suspensions.

#### 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; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein;

Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Brusegaard; Devlin; Froseth; Severson; Warner; Wentz

**ABSENT AND NOT VOTING:** Dorso; Fairfield; Lloyd; Timm

HB 1224 passed and the title was agreed to.

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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 1085, HB 1200, HB 1223, HB 1310, HB 1406, HB 1446, HB 1459.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth order of business and at the conclusion of that order, the House stand adjourned until 8:30 a.m., Monday, February 8, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1038, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (18 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1038 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1043: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 3, line 15, after the second underscored comma insert "sexual preference."

Page 3, line 20, after the fourth underscored comma insert "sexual preference."

Page 7, line 8, after the second "members" insert ", unless membership in the club is restricted because of race, color, or national origin"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1046: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1046 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "prohibit state agencies and institutions from entering into contracts for"

Page 1, remove line 2

Page 1, line 3, remove "extend beyond that biennium; and to"

Page 1, remove lines 7 through 10

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the section of the bill which prohibited, unless specifically provided by law, the entering of a contract for services when the contract would provide for the payment for the services to extend beyond the current biennium.

**REPORT OF STANDING COMMITTEE**

**HB 1071: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1071 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "paragraph to subdivision b of subsection 4 of" with "section to chapter 54-52"

Page 1, line 2, remove "section 54-52-17"

Page 1, line 8, replace "paragraph to subdivision b of subsection 4 of section 54-52-17" with "section to chapter 54-52"

Page 1, line 9, remove "the 1997 Supplement to"

Page 1, replace lines 10 through 17 with:

**"Judges postretirement adjustments.** A supreme or district court judge who, on December 31, 1999, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 2000. A supreme or district court judge who, on December 31, 2000, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 2001."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1072: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1072 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1095: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1141: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1143: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1143 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "person" with "licensed individual or licensed facility" and remove ", including a hospital, physician, chiropractor,"

Page 1, line 5, remove "medical clinic, and pharmacy" and replace "The copying costs and administrative expense provisions of this" with "This"

Page 1, line 6, replace "apply" with "applies"

Page 1, replace lines 9 through 17 with:

- "1. Provide a free copy of a patient's medical records to a medical provider designated by the patient or the person authorized by the patient if the records are requested for the purpose of transferring that patient's medical care to another medical provider for the continuation of medical treatment.
2. Provide a copy of a patient's medical records requested for any purpose other than the continuation of care for a maximum charge of twenty dollars for the first twenty-five pages and seventy-five cents per page for every page beyond twenty-five. This charge includes any administrative fee, retrieval fee, and postage expense."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1194: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1194 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "Unless the court orders otherwise, the" with "The"

Page 1, line 6, replace "over" with "from"

Page 1, line 9, replace "over" with "from"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1263: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1263 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1267: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "1."

Page 1, line 10, remove the overstrike over "4-" and remove "a."

Page 1, line 16, replace "b" with "2" and remove "or redeems"

Page 1, line 22, replace "c" with "3"

Page 2, line 3, replace "d" with "4" and remove "or redeems"

Page 2, line 8, replace "e" with "5"

Page 2, line 13, replace "f" with "6" and remove "or redeems"

Page 2, remove lines 18 through 30

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1268: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1268 was placed on the Sixth order on the calendar.

Page 1, line 1, after "47-02-27.4" insert "and two new sections to chapter 47-02"

Page 1, line 2, after "perpetuities" insert "and restrictions on irrevocable trusts"

Page 1, line 3, replace "sections" with "section" and remove "and 47-02-27.2"

Page 1, line 4, remove "and contingent property interests"

Page 2, remove the overstrike over lines 10 through 19

Page 2, line 20, remove the overstrike over "~~death of the survivor of the specified lives.~~" and insert immediately thereafter "This subsection applies only to a trust or other property arrangement that owns or acquires real property in this state."

Page 2, remove lines 21 through 30

Page 3, remove lines 1 through 7

Page 3, line 11, after "irrevocable" insert "other than a trust that owns or acquires real property in this state"

Page 3, after line 11, insert:

**"SECTION 3.** A new section to chapter 47-02 of the North Dakota Century Code is created and enacted as follows:

**Restriction on ownership of real property by trusts.** A trustee of an irrevocable trust organized under the laws of any state may not, directly or indirectly, retain any interest, whether legal, beneficial, or otherwise, in any title to real property in this state beyond the period of time specified in subsection 5 of section 47-02-27.1. This section applies to trust ownership of real property in this state regardless of the means by which the real property is acquired by the trust and regardless of when or how the trust was created or when the trust became irrevocable.

**SECTION 4.** A new section to chapter 47-02 of the North Dakota Century Code is created and enacted as follows:

**Enforcement.** If the attorney general has reason to believe that any trustee is violating section 3 of this Act, the attorney general shall commence an action in the district court in which any real property relative to the violation is situated, or if situated in two or more counties, in the district court for that county in which a substantial part of the real property is situated. The attorney general shall file for record with the register of deeds in each county in which any portion of the real property is located a notice of the pendency of the action. If the court finds that the real property in question is being held in violation of section 3 of this Act, the court shall enter an order so declaring. The attorney general shall file the order for record with the register of deeds of each county in which any portion of the real property is located. The trustee owning the real property has a period of one year from the date of the order to divest the trust of the real property. The one-year limitation period is deemed a covenant running with the title to the real property against any grantee or assignee. Any real property not divested within the time prescribed must be sold at public sale in the manner prescribed by law for the foreclosure of a real estate mortgage by action."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1272: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "protected"

Page 1, line 13, after the underscored period insert "A crew member may sound a warning device as determined appropriate by that crew member."

Page 1, line 17, overstrike "The" and insert immediately thereafter "A" and overstrike "owning" and insert immediately thereafter "with an interest in"

Page 1, line 20, replace "The person owning" with "If a crew member of" and remove "that"

Page 1, line 21, after "ordinance" insert ", any crew member or person with any interest in the locomotive"

Page 1, line 23, after the underscored period insert "This section does not exempt a railroad corporation from any liability created under chapter 49-16 or the Federal Employers' Liability Act [45 U.S.C. 51 et seq.] for injuries to its employees or agents."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1275: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1314: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1314 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1315: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1327: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1339: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "public access on"

Page 1, line 3, remove the first "lands" and after the second "lands" insert "leases"

Page 1, line 8, replace "**Public access**" with "**Requirements**" and remove "Notwithstanding any other provision of law, a"

Page 1, remove line 9

Page 1, line 10, remove "hunting on the lands."

Page 1, line 11, replace "that the lessee may not post the leased land to prohibit" with "incorporating the provisions of 43 Code of Federal Regulations 4140.1(b)(7)"

Page 1, line 12, remove "hunting during any open hunting season"

Page 1, line 15, replace "**Public access**" with "**Requirements**" and remove "Notwithstanding any other provision of law,"

Page 1, remove line 16

Page 1, line 17, remove "or hunting on the lands."

Page 1, line 18, replace "that the lessee may not post the leased land to" with "incorporating the provisions of 43 Code of Federal Regulations 4140.1(b)(7)"

Page 1, line 19, remove "prohibit hunting during any open hunting season"

Page 1, line 22, after "**lands**" insert "**- Requirements**"

Page 2, line 10, replace "include a provision that the lessee may not" with "incorporate the provisions of 43 Code of Federal Regulations 4140.1(b)(7)"

Page 2, line 11, remove "post the land to prohibit public access or hunting"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1346: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1362: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "elected"

Page 1, line 6, after "of" insert "elected"

Page 1, line 7, overstrike "the" and insert immediately thereafter "an elected"

Page 1, line 17, overstrike "The" and insert immediately thereafter "An elected"

Page 1, line 18, after "following" insert "minimum"

Page 2, line 24, overstrike ", with a maximum of", remove "twelve", and overstrike "thousand dollars in"

Page 2, line 25, overstrike "counties with a population in excess of ten thousand and a maximum of"

Page 2, line 26, remove "eleven" and overstrike "thousand three hundred dollars in counties with a population of ten"

Page 2, overstrike lines 27 through 31

Page 3, overstrike line 1

Page 3, line 2, overstrike "association"

Page 3, line 3, overstrike "If a board", remove "resolves", and overstrike "to pay an annual salary pursuant to this"

Page 3, overstrike line 4

Page 3, line 5, overstrike "Sheriffs", replace "are" with "An elected sheriff is", and after "following" insert "minimum"

Page 3, line 17, overstrike "State's attorneys" and insert immediately thereafter "An elected state's attorney"

Page 3, line 20, replace "are" with "is"

Page 3, line 21, after "~~forty five~~" insert "a minimum annual salary of" and overstrike ", but the county may increase that"

Page 3, line 22, overstrike "amount up to the same salary as a", remove "district", and overstrike "court judge"

Page 3, remove lines 25 through 30

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1365: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1373: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Sixth order on the calendar.

Page 1, line 2, after "boards" insert "; and to provide an effective date"

Page 2, line 14, remove "one hundred percent of the"

Page 2, line 18, after "lands" insert ". The department shall provide that:

- a. All county expenses of locally administered economic assistance programs in excess of the statewide average of the costs for all other counties, expressed in mills, are reimbursed at one hundred percent;
- b. Affected counties receive quarterly allocations based on the actual county expenses of the state fiscal year ending the previous June first

and the most recent taxable valuations published pursuant to section 57-13-07 available on that date; and

- c. The reimbursement is calculated for each county and reported to the county social service board before August first of the year preceding the allocation"

Page 2, after line 18, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2000."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1377: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1379: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1379 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "persons maliciously" with "person" and after the first "any" insert "telephone or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1381: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1381 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 amend and reenact subsection 3 of section 34-12-01 of the North Dakota Century Code, relating to the definition of employer for labor-management relations purposes.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 3 of section 34-12-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Employer" includes any person acting as an agent of an employer, directly or indirectly, but does not include the United States ~~or~~; any wholly owned government corporation, ~~or~~; any federal reserve bank, ~~or any state or political subdivision thereof, or~~; any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, ~~or~~; any person subject to the Railway Labor Act [Pub. L. 69-257; 44 Stat. 577; 45 U.S.C. 151 et seq.], as amended from time to time, ~~or~~; any labor organization (other than when the labor organization is acting as an employer), ~~or anyone; any individual acting in the capacity of officer or agent of such a labor organization;~~; or any farmer."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1386: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1386 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1397: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1397 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1404: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1404 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1418: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1427: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "For the purpose of determining the general fund levy limitation"

Page 1, remove lines 14 and 15

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1435: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1437: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1444: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 2, after "requirements" insert "; to provide a contingent effective date; and to declare an emergency"

Page 1, line 23, remove "This exemption does not affect permit and"

Page 1, remove line 24

Page 1, after line 24, insert:

**"SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective September 1, 1999, unless before that date the legislative council has received a certification from the chairman of the administrative rules committee that the state electrical board has adopted and filed an amendment to its administrative rules providing substantially as follows:

1. Electrical equipment or industrial machines, including custom-made electrical equipment or related installations, which are designed and manufactured to a purchaser's specifications, if there is no category or listing by underwriters laboratories incorporated, may be evaluated by underwriters laboratory incorporated, other state-accepted testing laboratories, or by a registered professional engineer.
2. The state electrical board retains the right to reject an evaluation described in subsection 1 if the electrical equipment or industrial machine does not comply with article 110-2 and 110-3 of the 1999 National Electrical Code.
3. The electrical installer is required to secure permission from the state electrical board to energize the equipment before an evaluation has been completed.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1452: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 17, replace the first comma with "or" and remove ", or an oral surgery clinic"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1453: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1453 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1458: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to provide for the deposit of bond forfeitures in the county treasury;"

Page 1, line 2, after the fourth comma insert "29-26-22, 29-27-02.1,"

Page 1, line 3, after "court" insert "and bond forfeitures"

Page 6, after line 18, insert:

**"SECTION 6. Deposit of bond forfeitures.** Except for forfeitures of bail bond or other property or money deposited as bail under section 29-27-02.1, all bond forfeitures collected by the clerk of district court for violations of state law must be deposited in the county treasury."

Page 7, after line 9, insert:

**"SECTION 8. AMENDMENT.** Section 29-26-22 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**29-26-22. Judgment for fines, costs, and court administration fee - Statement to be filed by court - Docketing and enforcement.** In all criminal cases upon a plea or finding of guilt, a court administration fee of up to thirty percent of the maximum allowable fine for the offense may be taxed against the defendant in lieu of the assessment of court costs. If the court does assess costs as part of its sentence, the court shall include in the judgment the facts justifying the amount assessed. District court costs; and administration fees, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine, costs, or court administration fee, or any combination thereof, may be docketed, and thereafter constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed costs or administrative fee in installments. When a defendant is assessed costs or administrative fees, the court may not impose at the same time an alternative sentence to be served if the costs are not paid.

**SECTION 9. AMENDMENT.** Section 29-27-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**29-27-02.1. Disposition of statutory fees, fines, forfeitures, pecuniary penalties, and bond forfeitures.** Except as otherwise provided by law, all statutory fees, fines, ~~forfeitures~~, and pecuniary penalties prescribed for a violation of state laws, when collected, must be paid into the treasury of the proper county to be added to the state school fund. When any bail bond or other property or money deposited as bail is forfeited to the state, the proceeds collected therefrom must be paid over to the proper state official and credited to the state general fund."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1477: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1480: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1480 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3013: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HCR 3015 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3021: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3022: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HCR 3022 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3025: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO NOT PASS** (16 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3025 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3026: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3026 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3027 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2072: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2072 was placed on the Fourteenth order on the calendar.

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

**LANCE HAGEN, Chief Clerk**