

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, March 1, 1999

The House convened at 1:30 a.m., with Speaker Wald presiding.

The prayer was offered by Rev. Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Glasheim, Monson, Tollefson, and Speaker Wald.

A quorum was declared by the Speaker.

REQUEST

SPEAKER WALD REQUESTED that the record show he was present, which request was granted.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HCR 3057, SB 2067, SB 2136, SB 2229, and SB 2280 be adopted, which motion prevailed.

HCR 3057, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

SB 2067, SB 2136, SB 2229, and SB 2280, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3076: A concurrent resolution directing the Legislative Council to study the procedures and proceedings that apply in a case of driving while under the influence.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeKrey; Delmore; Ekstrom; Fairfield; Froelich; Hawken; Jensen; Johnson, N.; Kelsh, S.; Kempenich; Maragos; Meyer; Mueller; Sveen; Timm

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Johnson, D.; Keiser; Kelsch, R.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Mickelson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald.

ABSENT AND NOT VOTING: Glasheim; Huether; Monson; and Tollefson.

HCR 3076 was declared lost on a roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3080: A concurrent resolution directing the Legislative Council to study the provision of air service in this state.

ROLL CALL

The question being on the adoption of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Byerly; Carlson; Delzer; Lloyd; Lundgren; Nelson; Rennerfeldt

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

HCR 3080 was declared adopted on a roll call vote.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to inclusion of school board and township representatives in negotiations and deliberations on granting property tax exemptions or payments in lieu of taxes for new industries.

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Byerly; Carlson; Delzer; Grande; Grosz; Kempenich; Nelson

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2051, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2052: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the valuation and assessment of inundated agricultural land for property tax purposes; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2052, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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, 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; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; 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.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Delzer

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2209, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the membership of the committee on protection and advocacy.

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

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2266, as amended, passed and the title was agreed to.

MOTION

REP. BRANDENBURG MOVED that the House reconsider its action whereby Engrossed SB 2120 failed to pass, which motion failed on a verification vote.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to amend and reenact sections 15-40.1-05 and 15-44-03 of the North Dakota Century Code, relating to payment of state school aid by the superintendent of public instruction.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2146 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to amend and reenact section 4-10.7-04 of the North Dakota Century Code, relating to dry pea and lentil districts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2063 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact subsections 2 and 9 of section 15-39.1-04, subsections 1 and 4 of section 15-39.1-10, sections 15-39.1-11, 15-39.1-12, 15-39.1-16, subsection 2 of section 15-39.1-17, sections 15-39.1-20, and 15-39.1-24 of the North Dakota Century Code, relating to definitions, eligibility for benefits, vesting, early retirement, annuities, death of member, withdrawals, and purchase of additional credit under the teachers' fund for retirement; and to repeal section 15-39.1-12.1 of the North Dakota Century Code, relating to partial service retirements under the teachers' fund for retirement.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2070 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to establishment of a risk management motor vehicle accident review board; and to amend and reenact subdivision a of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to an exemption from the Administrative Agencies Practices Act.

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

YEAS: Aarsvold; Berg; Bernstein; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; Delmore; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Galvin; Gorder; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, S.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Belter; Boehm; Brusegaard; Byerly; Carlson; Dalrymple; DeKrey; Delzer; Drovdal; Froelich; Froseth; Grande; Grosz; Kelsch, R.; Kliniske; Lloyd; Meyer; Mickelson; Nelson; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Weisz

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

Engrossed SB 2110 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2130: A BILL for an Act to amend and reenact sections 11-14-18, 11-22-04, 11-28.3-11, 16.1-14-15, 18-11-22, 23-30-09, 26.1-21-09, 36-15-09, 36-22-09, 44-09-26, 48-02-07, 49-17.2-27, 54-10-03, 54-10-14, 54-10-19, 61-03-03, and 61-03-18 of the North Dakota Century Code, relating to the duties of the state auditor; and to repeal section 25-07-09 of the North Dakota Century Code, relating to the collection of clothing account at the school for the deaf.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

Engrossed SB 2130 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to amend and reenact sections 37-01-03, 37-09-01, 37-09-02, 37-09-04, 37-09-05, 37-09-06, 37-09-08, 37-09-09, 37-09-12, and 37-09-14 of the North Dakota Century Code, relating to application of the uniform code of military justice to the North Dakota national guard and military courts within the North Dakota national guard; and to repeal sections 37-09-03 and 37-09-13 of the North Dakota Century Code, relating to military courts of inquiry and court-martial sentences.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

Engrossed SB 2131 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

Engrossed SB 2157 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact sections 23-25-10 and 61-28-08 of the North Dakota Century Code, relating to air and water pollution penalties; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Byerly; Delzer; Ekstrom; Fairfield; Grande; Keiser; Kelsh, S.; Lloyd; Renner; Rennerfeldt

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2178 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to amend and reenact sections 43-36-04, 43-36-07, 43-36-11, and 43-36-15 of the North Dakota Century Code, relating to the state board of registration for professional soil classifiers, reciprocal registration, and registration fees.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2190 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder;

Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; 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.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2231 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact section 4-10.1-16 of the North Dakota Century Code, relating to the penalty for delinquent payment of assessments to the potato council.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; 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; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Byerly; Fairfield; Grande; Kelsh, S.

ABSENT AND NOT VOTING: Glassheim; Huether; Monson; Tollefson

SB 2292 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that House Rule 507 be suspended with reference to HCR 3071 and HCR 3058, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

Engrossed HCR 3068: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of an equitable sharing, between the state and counties, of the costs of providing facilities for the delivery of state-funded judicial and clerk of court services.

Engrossed HCR 3070: A concurrent resolution directing the Legislative Council to study health care in this state relative to access, quality, and cost to determine essential health care services, critical providers, access sites, and geographic, demographic, and economic issues relating to health care including health care insurance.

HCR 3074: A concurrent resolution directing the Legislative Council to study the amount and value of property owned by nonprofit organizations in this state and the impact of that ownership on local communities and the economy of this state.

HCR 3079: A concurrent resolution directing the Legislative Council to study the relationship of rural subdivisions and townships.

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

Engrossed HCR 3068, Engrossed HCR 3070, HCR 3074, and HCR 3079 were declared adopted on a voice vote.

MOTION

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

MOTION

REP. DORSO MOVED that the House be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 2, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3061: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HCR 3061 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2092: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2092 was placed on the Sixth order on the calendar.

Page 1, line 16, after "of" insert "the" and after "gas" insert "division"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2102, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2102 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2103: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2103 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2104, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2104 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2143: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "local" with "public" and after "district" insert "in which the child resides"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2147: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2198, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2198 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 40-05.1-05 and"

Page 1, line 2, after "the" insert "filing of copies of a new home rule charter and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 40-05.1-05 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-05. Ratification by majority vote - Supersession of existing charter and state laws in conflict therewith - Filing of copies of new charter. If a majority of the qualified voters voting on the charter at the election ~~shall~~ vote in favor of the home rule charter ~~it shall be deemed to be, the charter is ratified and shall become is~~ the organic law of ~~such the~~ city, and ~~extend extends~~ to all its local and city matters. ~~Such~~ The charter and the ordinances made pursuant ~~thereto to the charter~~ in such matters ~~shall~~ supersede within the territorial limits and other jurisdiction of the city any law of the state in conflict ~~therewith with the charter and ordinances, and shall~~ must be liberally construed for such purposes. One copy of the charter ~~se~~ ratified and approved ~~shall~~ must be filed with the secretary of state, ~~one with the clerk of district court for the county in which the city is located,~~ and one with the auditor of the city to remain as a part of its permanent records. Thereupon the courts shall take judicial notice of the new charter."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2270, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2270 was placed on the Sixth order on the calendar.

Page 1, line 7, after "beef" insert ", lamb,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2326: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 17, after "its" insert "authorized"

Re-number accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2120.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3052, HCR 3055, HCR 3062, HCR 3063, HCR 3067, HCR 3073.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2094.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2056, SB 2077, SB 2085, SB 2086, SB 2091, SB 2099, SB 2100, SB 2106, SB 2111, SB 2138, SB 2139, SB 2145, SB 2179, SB 2291, SB 2360, SCR 4001.

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

MADAM PRESIDENT: The House has passed and the emergency clause failed: SB 2272.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2028, SB 2033, SB 2034, SB 2049, SB 2062, SB 2072, SB 2078, SB 2083, SB 2109, SB 2117, SB 2118, SB 2137, SB 2169, SB 2174, SB 2176, SB 2211, SB 2265, SCR 4006.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1050, HB 1053, HB 1076, HB 1078, HB 1085, HB 1098, HB 1107, HB 1113, HB 1114, HB 1117, HB 1181, HB 1201, HB 1208, HB 1271, HB 1318, HB 1343, HB 1351, HCR 3010.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4002, SCR 4035, SCR 4040, SCR 4041, SCR 4043, SCR 4045, SCR 4046, SCR 4047, SCR 4048, SCR 4049, SCR 4050, SCR 4051.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2046, SB 2076, SB 2097, SB 2135, SB 2150, SB 2156, SB 2194, SB 2241, SB 2251, SB 2263, SB 2286.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4015: A concurrent resolution directing the Legislative Council to study the adult correctional system in North Dakota, including its functions, responsibilities, funding, and operation, and the causes of past and projected future increases in the state's adult inmate population, including the impact of sentencing laws.

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

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

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

SCR 4017: A concurrent resolution for the amendment of section 5 of article V of the Constitution of North Dakota, relating to the election of executive branch officers.

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

SCR 4018: A concurrent resolution urging Congress to address concentration and consolidation in the meat and grain industries so farmers and ranchers can compete fairly and profitably.

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

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

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

SCR 4020: A concurrent resolution urging Congress to assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing the cap on marketing loans, and by reforming crop insurance so that farmers experiencing multiyear disasters could have access to adequate coverage.

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

SCR 4021: A concurrent resolution urging Congress to renegotiate the North American Free Trade Agreement and address tariff equalization, increased market access, sanitary and phytosanitary disputes, and methods to facilitate and shorten dispute resolution procedures.

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

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

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

SCR 4024: A concurrent resolution designating Sakakawea to be honored and memorialized with a statue in the National Statuary Hall in the United States Capitol in Washington, D.C.

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

SCR 4025: A concurrent resolution urging Congress to analyze the operating environment of the Farm Service Agency and ensure that attempts at efficiency recognize customer needs and expectations.

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

SCR 4026: A concurrent resolution urging Congress to enact the Dakota Water Resources Act.

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

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

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

SCR 4029: A concurrent resolution supporting the removal of the telecommunications local access transport area (LATA) line in this state; and directing the Legislative Council to study the feasibility and desirability of removing the telecommunications local access transport area line in this state.

Was read the first time and referred to the **Finance and Taxation Committee**.

SCR 4030: A concurrent resolution directing the Legislative Council to study the management responsibilities of the Industrial Commission, the mission and location of each entity within and under the direction of the Industrial Commission, the membership of the Industrial Commission, and the voting structure of the Industrial Commission.

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

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

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

SCR 4032: A concurrent resolution directing the Legislative Council to study the family law process in North Dakota with a focus on a review of existing statutes, the coordination of procedures, and the further implementation of alternative dispute resolution methods.

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

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

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

SCR 4034: A concurrent resolution directing the Legislative Council to study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development.

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

SCR 4036: A concurrent resolution directing the Legislative Council to study the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state.

Was read the first time and referred to the **Human Services Committee**.

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

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

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

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

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

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

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

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

SCR 4044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired.

Was read the first time and referred to the **Human Services Committee**.

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

LANCE HAGEN, Chief Clerk