

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 31, 1999

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

The prayer was offered by Captain Jose Tamayo, Salvation Army, Fargo.

The roll was called and all members were present except Representatives Solberg and Stefanowicz.

A quorum was declared by the Speaker.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2299 and wishes to inform you that the Senate does now concur with the House amendments to SB 2299 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2299.

**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 4057.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1389.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1389**

Page 1, line 14, after "abstract" insert ", source documents in aggregate form,"

Page 2, line 2, after "abstract" insert ", source document if requested in aggregate form,"

Page 2, line 11, replace "obtaining source documents in aggregate form from the department" with "may provide the department with a list of names of drivers and may request any source documents from the department relating to the listed drivers for a set time period. The department shall provide this information in hard copy or electronic format. If in order to provide the information by electronic format the department sets up a computer program, the department may charge a requester a reasonable charge for a setup fee. This charge may not exceed the actual cost to set up the computer program. A requester of source documents in aggregate form shall pay the director a reasonable fee for making and mailing to the driver whose record was requested an additional copy of the document as it relates to that driver."

Page 2, remove lines 12 through 30

Page 3, remove lines 1 and 2

ReNUMBER accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2159, SB 2266, SB 2275.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2229, SB 2280, SCR 4023.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1380.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2071 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2071:** Sens. Wardner; Krebsbach; DeMers

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2441, SCR 4054.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1135:** Sens. Mutch; Sand; D. Mathern

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1428.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1428**

In addition to the amendments adopted by the Senate as printed on page 575 of the Senate Journal, Engrossed House Bill No. 1428 is further amended as follows:

Page 1, line 15, replace "The" with "Except for employees of the agricultural experiment station or the North Dakota state university extension service involved in research and extension related activities, the"

Page 2, line 13, after the underscored period insert "The commissioner shall establish a fee that must be paid by each licensee to provide sufficient funds to pay costs associated with monitoring and testing industrial hemp in the state. Collections from this fee must be deposited in the attorney general's operating fund."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE - This amendment exempts employees of the Agricultural Experiment Station and the NDSU Extension Service that may be involved in conducting hemp research from the requirement of a criminal background check.

This amendment also requires the Agriculture Commissioner to charge a fee to each licensed industrial hemp grower in the state that will generate sufficient funding to provide for the costs of the Attorney General's office associated with monitoring and testing industrial hemp being grown in the state. Collections from the fee will be deposited in the Attorney General's operating fund.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1174:** Sens. Kilzer; Wardner; Mutzenberger

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, SB 2020, SB 2021, and SB 2344 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Naaden; Solberg; Lindaas

**SB 2020:** Sens. Andrist; Grindberg; Lindaas

**SB 2021:** Sens. Andrist; Grindberg; Lindaas

**SB 2344:** Sens. Cook; Freborg; O'Connell

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1024 as printed on HJ page 1068 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1024: Reps. Koppelman, Klemin, Meyer.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1035 as printed on HJ page 990 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1035: Reps. D. Johnson, Haas, Nowatzki.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GROSZ MOVED** that the House do not concur in the Senate amendments to HB 1167 as printed on HJ pages 1012-1013 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1167: Reps. Nottestad, Martinson, Solberg.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1252 as printed on HJ pages 1067-1068 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1252: Reps. Nicholas, Brandenburg, Froelich.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1462 as printed on HJ pages 986-989 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1462: Reps. Mickelson, Timm, Warner.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2004: Reps. Tollefson, Byerly, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2008: Reps. Byerly, Poolman, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2010: Reps. Poolman, Tollefson, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2022: Reps. Carlisle, Tollefson, Gulleeson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2023: Reps. Byerly, Carlisle, Gulleeson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2026: Reps. Dalrymple, Poolman, Gulleeson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2125: Reps. DeKrey, Hawken, Delmore.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2410: Reps. Nottestad, L. Thoreson, Grumbo.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1005 as printed on HJ page 1065, which motion prevailed.

Engrossed HB 1005, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; to provide for line item transfers; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Lemieux

**ABSENT AND NOT VOTING:** Solberg; Stefonowicz

Reengrossed HB 1005 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1451 as printed on HJ page 1043, which motion prevailed.

Engrossed HB 1451 was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1451:** A BILL for an Act to create and enact sections 49-21-23, 49-21-24, 49-21-25, 49-21-26, and 49-21-27 of the North Dakota Century Code, relating to right-of-way fees; to amend and reenact section 49-21-01 and subdivision g of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to telecommunications definitions and time periods under the one-call excavation notice system; to provide for retroactive application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 54 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Lloyd; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Renner; Rennerfeldt; Svedjan; Sveen; Thoreson, L.; Timm; Warner; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Boucher; Byerly; Carlson; Clark; Cleary; Delmore; Devlin; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gulleson; Haas; Hanson; Hoffner; Kelsh, S.; Kerzman; Klein; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Niemeier; Nowatzki; Price; Rose; Sandvig; Schmidt; Severson; Thoreson, B.; Thorpe; Tollefson; Wentz; Winrich

**ABSENT AND NOT VOTING:** Solberg; Stefonowicz

Reengrossed HB 1451 passed, the title was agreed to, but the emergency clause lost.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. DEVLIN MOVED** that the conference committee report on Engrossed HB 1075 be adopted as printed on HJ pages 1034-1035, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. DROVDAL MOVED** that the conference committee report on Engrossed HB 1151 as printed on HJ page 1010 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. DROVDAL MOVED** that the conference committee report on HB 1166 be adopted as printed on HJ pages 964-965, which motion prevailed.

HB 1166, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1166:** A BILL for an Act to create and enact five new sections to chapter 61-24.6 of the North Dakota Century Code, relating to water rates, operation and maintenance fund, reserve fund for replacement, capital costs, and areas served by the northwest area water supply project; and to amend and reenact sections 61-02-23.1, 61-24.3-19, and subsections 3, 6, and 7 of section 61-24.6-02 of the North Dakota Century Code, relating to condemnation of property for the northwest area water supply project, validation of southwest pipeline project water service contracts, and inclusion of Pierce County in the northwest area water supply project.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Devlin; Niemeier

**ABSENT AND NOT VOTING:** Solberg; Stefonowicz

Engrossed HB 1166 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1272 be adopted as printed on HJ page 965, which motion prevailed.

Engrossed HB 1272, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1272:** A BILL for an Act to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to the sounding of a warning device on a locomotive engine.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Haas; Lundgren; Nichols; Niemeier; Thorpe

**ABSENT AND NOT VOTING:** Brandenburg; Solberg; Stefonowicz

Reengrossed HB 1272 passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that Engrossed HB 1325, which is on the Seventh order, be rereferred to the **Conference Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed HB 1325 was rereferred.

#### MOTION

**REP. DORSO MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wald presiding.

#### ANNOUNCEMENT

**THE SPEAKER ANNOUNCED** that the Conference Committee on Engrossed SB 2299 was dissolved.

#### MOTION

**REP. DORSO MOVED** that Engrossed SB 2009, which is on the Sixth order, be debated separately, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2188, Engrossed SB 2202, and Engrossed SB 2217 be adopted, which motion prevailed.

Engrossed SB 2188, Engrossed SB 2202, and Engrossed SB 2217, as amended, were placed on the Fourteenth order of business on the calendar.

#### SIXTH ORDER OF BUSINESS

**SB 2009, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 1056-1060 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**REP. GULLESON REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2009, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2009, the roll was called and there were 49 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Grande; Grosz; Gunter; Hawken; Henegar; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemm; Kliniske; Koppelman; Lloyd; Maragos; Mickelson; Monson; Nelson; Nicholas; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Speaker Wald

**NAYS:** Aarsvold; Boucher; Brekke; Cleary; DeKrey; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Gordor; Grumbo; Gullerson; Haas; Hanson; Herbel; Hoffner; Huether; Jensen; Kelsh, S.; Kempenich; Kerzman; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier;

Nottestad; Nowatzki; Pollert; Rose; Sandvig; Schmidt; Sveen; Thorpe; Warner; Weisz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Solberg; Stefonowicz

The motion to adopt the amendments to Engrossed SB 2009 passed.

#### MOTION

**REP. DORSO MOVED** that Engrossed SB 2009, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2009, as amended, was rereferred.

#### ANNOUNCEMENT AND RULING BY THE SPEAKER

**SPEAKER WALD ANNOUNCED** that he had inadvertently announced that the proposed amendments to Engrossed SB 2009 failed. The Speaker ruled that in accordance with House Rule 601(c), the vote on the adoption of the amendments to Engrossed SB 2009 carried a majority of the members present, therefore the amendments were adopted. The bill was then rereferred to the **Appropriations Committee** pursuant to Representative Dorso's motion.

#### SECOND READING OF SENATE BILL

**SB 2188:** A BILL for an Act to create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for development of a statewide water development program; to provide an appropriation; 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 68 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Carlisle; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Guleson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meyer; Mickelson; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Renner; Rose; Schmidt; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wentz; Winrich; Speaker Wald

**NAYS:** Brandenburg; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Froelich; Grande; Hanson; Keiser; Kempenich; Klein; Lloyd; Lundgren; Metcalf; Monson; Mueller; Nichols; Pollert; Price; Rennerfeldt; Sandvig; Severson; Tollefson; Warner; Weisz; Wikenheiser

**ABSENT AND NOT VOTING:** Solberg; Stefonowicz

Engrossed SB 2188, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2202:** A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; 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; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Lemieux; Maragos; Solberg; Stefonowicz

Engrossed SB 2202, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2217:** A BILL for an Act to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lemieux; Solberg; Stefonowicz

Engrossed SB 2217, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### MOTION

**REP. KEISER MOVED** that the House reconsider its action whereby Engrossed HB 1451 passed, which motion lost on a verification vote.

### ANNOUNCEMENT

**THE SPEAKER ANNOUNCED** that Representative Mueller would replace Representative Solberg on the Conference Committee on SB 2154.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Mueller to replace Rep. Solberg on the Conference Committee on SB 2154.

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

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2004:** Reps. Tollefson; Byerly; Huether  
**SB 2008:** Reps. Byerly; Poolman; Huether  
**SB 2010:** Reps. Poolman; Tollefson; Huether  
**SB 2022:** Reps. Carlisle; Tollefson; Gulleeson  
**SB 2023:** Reps. Byerly; Carlisle; Gulleeson  
**SB 2026:** Reps. Dalrymple; Poolman; Gulleeson  
**SB 2125:** Reps. DeKrey; Hawken; Delmore

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

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2410:** Reps. Nottestad; L. Thoreson; Grumbo

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1024, HB 1035, HB 1167, HB 1252, and HB 1462 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1024:** Reps. Koppelman; Klemin; Meyer

**HB 1035:** Reps. D. Johnson; Haas; Nowatzki

**HB 1167:** Reps. Nottestad; Martinson; Solberg

**HB 1252:** Reps. Nicholas; Brandenburg; Froelich

**HB 1462:** Reps. Mickelson; Timm; Warner

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HB 1414.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2202, SB 2217.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2188.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, April 1, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2016, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "management" insert "; and to provide for the filing and paying of disaster claims relating to the spring 1997 Red River flooding"

Page 1, line 13, replace "55,738,332" with "62,738,332"

Page 1, line 14, replace "59,155,037" with "66,155,037"

Page 1, line 15, replace "58,230,947" with "65,230,947"

Page 1, after line 16, insert:

**"SECTION 2. APPROPRIATION.** All federal funds received by the division of emergency management, for expenditures for projects at the university of North Dakota, in excess of those funds appropriated in section 1 of this Act are hereby appropriated for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 1, replace lines 21 through 24 with:

**"SECTION 4. FINAL SETTLEMENT OF SPRING 1997 FLOOD DISASTER CLAIMS - EMERGENCY MANAGEMENT, EMERGENCY COMMISSION, AND BUDGET SECTION APPROVAL.** Before September 1, 2001, all disaster claims resulting from the governor's disaster declaration relating to the spring 1997 flooding in the Red River valley must be presented for final payment unless otherwise authorized by the legislative assembly. During the 1999-2001 biennium, the division of emergency management may request that loans be made by the Bank of North Dakota to affected political subdivisions, including school districts, for only those disaster claims that have

been approved by the division of emergency management, the emergency commission, and the budget section of the legislative council."

Page 2, remove lines 1 through 7

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

HOUSE - This amendment adds \$7 million of federal funds to the grants line item to reflect increased federal funds. The amendment also adds a section appropriating any additional federal funds received for disaster projects at the university of North Dakota.

This amendment requires all spring 1997 Red River Valley flooding disaster claims to be presented before September 1, 2001, unless otherwise authorized by the Legislative Assembly. The amendment also removes Section 3 which provided that the Division of Emergency Management and the University of North Dakota were not to borrow from the Bank of North Dakota in order to match federal funds relating to the spring 1997 flood in the Red River Valley. The section also provided that the impacted political subdivision was required to pay the state's share of the federal match in addition to the local share of the federal match in order to receive federal emergency management agency funds.

**REPORT OF STANDING COMMITTEE**

**SB 2038: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 804 and 805 of the House Journal, Senate Bill No. 2038 is amended as follows:

Page 1, line 1, replace "sections" with "section" and remove "and 23-16-01.1"

Page 1, line 2, remove "and nursing"

Page 1, line 3, remove "facility"

Page 1, line 9, remove "and for"

Page 1, remove line 10

Page 1, line 11, remove "use by the traumatic brain-injured population in the western part of the state."

Page 1, line 21, replace "The department of human services shall establish a limit on the bed size of a basic" with "Notwithstanding subsection 1, before August 1, 2001, the department may issue a license for up to ten beds in a single basic care facility which have been converted on a one-to-one basis from long-term care or basic care beds for use by the traumatic brain-injured population. The facility must be located in planning region one, two, seven, or eight of the governor's executive order 1978-12 dated October 5, 1978."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2440, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2440 was placed on the Sixth order on the calendar.

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

Page 1, remove lines 2 and 3

Page 1, remove lines 5 through 10

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4055: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SCR 4055 was placed on the Fourteenth order on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1026:** Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. DeKrey, Koppelman, Meyer) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1011 and place HB 1026 on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1040, as engrossed:** Your conference committee (Sens. Wanzek, Urlacher, D. Mathern and Reps. D. Johnson, Renner, Mueller) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 789 and place HB 1040 on the Seventh order.

That the House accede to the Senate amendments as printed on page 789 of the House Journal and pages 642 and 643 of the Senate Journal and that Engrossed House Bill No. 1040 be further amended as follows:

Page 1, line 2, after the second comma insert "61-04.1-26,"

Page 5, after line 13, insert:

**"SECTION 6. AMENDMENT.** Section 61-04.1-26 of the North Dakota Century Code is amended and reenacted as follows:

**61-04.1-26. Tax may be certified by weather modification authority.** The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed seven mills upon the taxable valuation of the property in the county for a "weather modification" fund. If weather modification services are not provided to the entire county, the weather modification authority may certify annually to the board of county commissioners a tax for a weather modification fund of not to exceed seven mills upon the taxable valuation of the property in the county designated to receive weather modification services. The tax shall be levied by the board of county commissioners and may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes. The weather modification fund shall be used only for weather modification activities in conjunction with the state of North Dakota. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter."

Renumber accordingly

Engrossed HB 1040 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2159, as engrossed:** Your conference committee (Sens. B. Stenehjem, Cook, Thompson and Reps. Mickelson, R. Kelsch, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 684 and place SB 2159 on the Seventh order.

Engrossed SB 2159 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2229:** Your conference committee (Sens. Klein, Sand, D. Mathern and Reps. Klein, N. Johnson, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 604 and place SB 2229 on the Seventh order.

SB 2229 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2266:** Your conference committee (Sens. Thane, Fischer, DeMers and Reps. Devlin, Jensen, Eckre) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 591 and place SB 2266 on the Seventh order.

SB 2266 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2275, as engrossed:** Your conference committee (Sens. Mutch, Sand, D. Mathern and Reps. Jensen, B. Thoreson, Rose) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 627 and place SB 2275 on the Seventh order.

Engrossed SB 2275 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2280, as engrossed:** Your conference committee (Sens. Watne, Flakoll, C. Nelson and Reps. Maragos, B. Thoreson, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 604 and place SB 2280 on the Seventh order.

Engrossed SB 2280 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4023:** Your conference committee (Sens. Wardner, W. Stenehjerm, DeMers and Reps. L. Thoreson, Hawken, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 752-753 and place SCR 4023 on the Seventh order.

SCR 4023 was placed on the Seventh order of business on the calendar.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1018, HB 1025, HB 1039, HB 1052, HB 1067, HB 1081, HB 1091, HB 1150, HB 1152, HB 1176, HB 1178, HB 1196, HB 1227, HB 1229, HB 1243, HB 1294, HB 1382, HB 1383, HB 1396, HB 1399, HB 1403, HCR 3009, HCR 3037, HCR 3043, HCR 3046, HCR 3051, HCR 3057, HCR 3058, HCR 3063, HCR 3070, HCR 3074.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1018, HB 1025, HB 1039, HB 1052, HB 1067, HB 1081, HB 1091, HB 1150, HB 1152, HB 1176, HB 1178, HB 1196, HB 1227, HB 1229, HB 1243, HB 1294, HB 1382, HB 1383, HB 1396, HB 1399, HB 1403, HCR 3009, HCR 3037, HCR 3043, HCR 3046, HCR 3051, HCR 3057, HCR 3058, HCR 3063, HCR 3070, HCR 3074.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: SB 2006, SB 2018, SB 2030, SB 2036, SB 2047, SB 2055, SB 2058, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290, SB 2294, SB 2349, SB 2357, SB 2362, SB 2365, SB 2373, SB 2374, SB 2390, SB 2398, SB 2400, SB 2409, SB 2411, SB 2414, SB 2437, SCR 4003, SCR 4022, SCR 4027, SCR 4056, SCR 4058.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2006, SB 2018, SB 2030, SB 2036, SB 2047, SB 2055, SB 2058, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290, SB 2294, SB 2349, SB 2357, SB 2362, SB 2365, SB 2373, SB 2374, SB 2390, SB 2398, SB 2400, SB 2409, SB 2411, SB 2414, SB 2437, SCR 4003, SCR 4022, SCR 4027, SCR 4056, SCR 4058.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2024, SB 2425.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1166, HB 1272.

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

**MR. SPEAKER:** The President has signed: HB 1079, HB 1082, HB 1146, HB 1149, HB 1257, HB 1295, HB 1297, HB 1300, HB 1326, HB 1359, HB 1377, HB 1406, HB 1415, HB 1441, HB 1446, HB 1467.

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

**MR. SPEAKER:** The President has signed: HCR 3001, HCR 3005, HCR 3013, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3067, HCR 3071, HCR 3080.

**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 2024, SB 2081, SB 2096, SB 2299, SB 2425.

**FIRST READING OF SENATE BILL**

**SB 2441:** A BILL for an Act to provide for school district reorganization bonuses.  
Was read the first time and referred to the **Education Committee**.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4054:** A concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SCR 4057:** A concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing on March 31, 1999: HCR 3001, HCR 3005, HCR 3013, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3067, HCR 3071, HCR 3080.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval on March 31, 1999: HB 1079, HB 1082, HB 1146, HB 1149, HB 1257, HB 1295, HB 1297, HB 1300, HB 1326, HB 1359, HB 1377, HB 1406, HB 1415, HB 1441, HB 1446, HB 1467.

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

**LANCE HAGEN, Chief Clerk**