

**JOURNAL OF THE HOUSE****Fifty-seventh Legislative Assembly**

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**Bismarck, January 17, 2001**

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Peter Young, Interim Conference Minister with Northern Plains Conference, United Church of Christ, Bismarck.

The roll was called and all members were present except Representative Lloyd.

A quorum was declared by the Speaker.

**MOTION**

**REP. MONSON MOVED** that a committee of two be appointed to escort **MISS NORTH DAKOTA CARRIE HABERSTROH** to the rostrum. Speaker Bernstein appointed Rep. Huether and Rep. Grumbo to such committee, the motion prevailed.

**SPECIAL ORDER OF BUSINESS**

**REP. MONSON MOVED** that a committee of two be appointed to escort Miss North Dakota Carrie Haberstroh to the rostrum, which motion prevailed.

**REMARKS OF CARRIE HABERSTROH, MISS NORTH DAKOTA**

Mr. Speaker and members of the House of Representatives. Thank you so much for the honor to speak to you and it has been an incredible honor to represent the great state of North Dakota. I have enjoyed this opportunity to return to North Dakota and to travel throughout, speaking to different schools and community organizations.

I speak about Alzheimer's disease and also about my experiences growing up, in a speech entitled "A Will and A Way." As a girl I was overweight, quiet, and very introverted, but I managed to turn that around. I became very active in different organizations and athletics. I worked hard to achieve my five-year goal of winning the state discus title. My activities and achievements opened the door to Harvard and other Ivy League schools--opportunities I had never dreamed of.

So I encourage kids to reach for their dreams and avoid putting limits on what they can achieve.

I have really enjoyed my education at Harvard. I have learned a lot. But the person I am, my ideals, morals, and my work ethic are still very much a product of this state.

I am also an accurate representative being half German, a quarter Swedish, and a quarter Norwegian. I had the wonderful opportunity to visit Norway as an Ambassador this summer on a two-month exchange program there. It was really an incredible learning experience. So traveling abroad and meeting students from all over the world has really helped me to realize how fortunate I am to have grown up in this state. I am really impressed with students around the state as well. During my speeches, I ask the kids--what would you like to be when you grow up? I get this wide range of answers--from microbiologists, paleontologists, farmers, and meat cutters. I said, "A butcher?" "No, a meat cutter." I remember one preschool boy last week said he wanted to be a power ranger. The kid next to him slugged him and said there are no power rangers in North Dakota. There aren't any power rangers in North Dakota, but this state is full of many heroes--in the school systems, in our communities, and there are many right here in this room.

I have realized one really unique aspect of this state is the North Dakota networking, and how no matter where I travel people know people from my hometown that are relatives. I even experienced this at the Miss America Pageant in Atlantic City, New Jersey. I was in the Boardwalk Parade and I was wearing a costume that was supposed to represent my state. So I wore a white fake fur jacket and white fur-topped boots and there was a giant thermometer on the side reading about 40 below. All along this six-mile parade route it was crowded with people, and every so often I would hear a person yell--Fargo or Bismarck or Minot. I would look and wave at them and there was this gleam in their eyes like--I know someone there, I've been there. I thought to myself later, I bet Miss Florida doesn't ride this parade and hear "Miami" and

turn and wave, but that is something really special about this state. Being a contestant at the Miss America Pageant was really memorable and an exciting experience.

I have also enjoyed the opportunity to speak about Alzheimer's disease, my national platform issue. My grandmother has had this disease for about 12 years now, and she is in the very late stages. When I was a little girl, Mom told me that Grandma has a disease where she forgets things. I could understand when she forgot where her jacket was or where ever she was going the next day, but it was really hard for me to understand why she didn't recognize me and she didn't know my name. So I try to explain this to kids and try to help them understand it better. This summer I went to Washington, D.C., and spoke with a head advocate for Alzheimer's disease. He told me about the latest advancements and also about a rural initiative program. This is currently in Minnesota and several rural states, they are hoping to bring it here. It is about bringing information and resources to people in rural areas, and this is especially helpful. Seventy percent of all people with Alzheimer's disease are cared for in the home, and so bringing information and conference calls and technologies like this to those people is really helpful, to help them to understand the disease and how they can take care of these people. It is sad to think of how hard my grandparents worked to provide for their children and themselves. Now their life savings is vanishing at \$6,000 a month to cover my grandmother's nursing home care. This isn't a small problem, currently there are 4 million people in the nation who have Alzheimer's disease, this is projected to be 14 million in a matter of decades. We are very hopeful that a vaccine will be achieved within about 10 years. That really depends, how soon or how late we get it, on the funding and support provided. So I just ask you to keep the victims of Alzheimer's disease and their families in your hearts when you deal with bills related to this issue.

I appreciate your time. This has truly been a great honor, and as the Norwegians would say "tusen takk," a thousand thanks.

#### MOTION

**REP. BELTER MOVED** to print Miss North Dakota's remarks in the House Journal, the motion prevailed.

#### SPECIAL ORDER OF BUSINESS

**SPEAKER BERNSTEIN APPOINTS** Rep. Ron Carlisle, Chairman, Rep. Amy Kliniske, Co-Chair, Rep. Kim Koppelman, Rep. John Mahoney, and Rep. Ralph Metcalf to the Memorial Committee.

#### SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1092 and HB 1144 be adopted, which motion prevailed.

HB 1092 and HB 1144, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### REQUEST

**REP. AARSVOLD REQUESTED** the unanimous consent of the House to withdraw HB 1219. There being no objection, it was so ordered by the Speaker.

#### REQUEST

**REP. PRICE REQUESTED** the unanimous consent of the House to withdraw HB 1179. There being no objection, it was so ordered by the Speaker.

#### SECOND READING OF HOUSE BILL

**HB 1114:** A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunkor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch;

Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1114, as amended, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1132:** A BILL for an Act to amend and reenact section 35-03-04 of the North Dakota Century Code, relating to the recordation of a mortgage.

### 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 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Boucher; Delmore; Ekstrom; Fairfield; Glassheim; Lemieux; Niemeier

**ABSENT AND NOT VOTING:** Lloyd

HB 1132, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1156:** A BILL for an Act to amend and reenact section 44-08-04.5 of the North Dakota Century Code, relating to the direct billing of employee lodging expenses.

### 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1156, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1054:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-28-01 of the North Dakota Century Code, relating to the definition of gambling.

**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 24 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brusegaard; Clark; Delmore; Drovdal; Eckre; Ekstrom; Hawken; Herbel; Jensen; Johnson, D.; Kingsbury; Klein, F.; Kliniske; Koppang; Lemieux; Maragos; Meier; Nelson; Nottestad; Porter; Thoreson, L.; Thorpe; Timm; Winrich

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Huether; Hunskor; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, M.; Klemin; Koppelman; Kretschmar; Kroeber; Mahoney; Martinson; Metcalf; Monson; Mueller; Nicholas; Niemeier; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Tieman; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1054 lost and the title was agreed to.

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**SPECIAL REQUEST**

**REP. KINGSBURY AND REP. ECKRE REQUESTED** to change their vote to NAY on HB 1054.

**SECOND READING OF HOUSE BILL**

**HB 1027:** A BILL for an Act to amend and reenact subsection 3 of section 28-32-02 of the North Dakota Century Code or in the alternative to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to agency procedures to notify interested parties of when rules adopted by the agency will be considered by the administrative rules committee; and to provide an effective date.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1027 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT BILL**

**HB 1036:** A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to eligibility criteria for medical assistance benefits.

**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 6 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Froelich; Jensen; Kerzman; Maragos; Warner; Wentz

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1036 lost and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1096:** A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 19-02.1-14.1, subsection 4 of section 19-02.1-15, subdivision a of subsection 23 of section 19-03.1-01, subsection 6 of section 19-03.1-05, subsection 4 of section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, subsection 1 of section 19-03.1-22, and subsection 26 of section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd; Wald

HB 1096 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1131:** A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a motor vehicle excise tax refund for casual sales in an amount that would have been allowed if the motor vehicle was used as a trade-in on the purchase of a replacement vehicle; to provide a continuing appropriation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Gunter; Haas; Klein, F.; Koppelman; Ruby; Thoreson, L.

**NAYS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas;

Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1131 lost and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1134:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for sales of antique motor vehicles; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 76 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Byerly; Cleary; DeKrey; Galvin; Grumbo; Gunter; Huether; Jensen; Kasper; Keiser; Klein, F.; Klein, M.; Klemin; Lemieux; Maragos; Martinson; Metcalf; Thoreson, L.; Thorpe; Weisz

**NAYS:** Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Meier; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Lloyd

HB 1134 lost and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to amend and reenact sections 26.1-05-18, 26.1-05-19, 26.1-05-31, 26.1-10-02, subsections 1 and 6 of section 26.1-10-05, sections 26.1-24-10, 26.1-31.2-01, and 26.1-31.2-02 of the North Dakota Century Code, relating to authorized investment of funds of insurance companies and reinsurance credit for a domestic insurer.

### ROLL CALL

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Delzer; Kerzman

**ABSENT AND NOT VOTING:** Lloyd

HB 1176 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that HB 1117, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4007.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1083.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1076, HB 1077, HB 1078, HB 1167, HB 1169, HB 1180, HB 1185.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2065, SB 2147, SB 2164.

**REPORT OF STANDING COMMITTEE**

**HB 1049: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1049 was placed on the Sixth order on the calendar.

Page 1, line 1, after "15-18-06" insert ",19-03.1-30"

Page 1, line 4, remove "and", after "40-63-09" insert ", 45-22-15", and after "49-21-01" insert ", subdivision a of subsection 9 of section 51-25-01"

Page 1, line 5, after "sections" insert "54-44.3-12.2, 57-38-71, 57-38-72, 57-38-73, 57-38-74,"

Page 3, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 19-03.1-30 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-30. Conditional discharge for possession as first offense.**

Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under subsection 3 6 of section 19-03.1-23, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the person on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the extended sentence which may be imposed under section 12.1-32-09, except those disqualifications or disabilities pertaining to the possession of firearms imposed by section 62.1-02-01. There may be only one discharge and dismissal under this section with respect to any person."

Page 8, after line 23, insert:

**"SECTION 13. AMENDMENT.** Section 45-22-15 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**45-22-15. Limited liability after dissolution.** With respect to limited liability after dissolution:

1. Subject to section 45-22-14, the limited liability shield described in sections ~~45-22-08~~ 45-22-08.1 and 45-22-09 continues in full force for the dissolved

domestic limited liability partnership regardless of any dissolution, winding up, and termination.

2. If a domestic limited liability partnership dissolves and the domestic limited liability partnership's business is continued by a successor partnership under section 45-20-02, the limited liability described in section ~~45-22-08~~ 45-22-08.1 also applies to that successor domestic limited liability partnership until the withdrawal of the registration that the dissolved domestic limited liability partnership had in effect under section 45-22-03 at the moment of dissolution. The successor partnership may at any time file the partnership's own registration under section 45-22-03."

Page 9, after line 13, insert:

**"SECTION 15. AMENDMENT.** Subdivision a of subsection 9 of section 51-25-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. Manufactures cigarettes anywhere that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where the importer is an original participating manufacturer, as that term is defined in the master settlement agreement, which will be responsible for the payments under the master settlement agreement with respect to such cigarettes as a result of the provisions of subsection ll(mm) of the master settlement agreement and which pays the taxes specified in subsection ll(z) of the master settlement agreement, and provided that the manufacturer of such cigarettes does not market or advertise the cigarettes in the United States);"

Page 9, after line 19, insert:

**"SECTION 17. AMENDMENT.** Section 54-44.3-12.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.3-12.2. Employee complaints - Cooperation in development and implementation of basic agency grievance procedures and a statewide appeal mechanism - Appeals.** It is the intent of the state of North Dakota to assure fair and equitable treatment and promote harmony between and among all classified employees. To ensure this the state desires to resolve bona fide employee complaints as quickly as possible. The division shall cooperate with and assist the various departments, agencies, and institutions of the state in the development and implementation of basic agency grievance procedures and a statewide appeal mechanism. The division shall certify appeals from nonprobationary employees in the classified service which are related to discrimination, merit system qualification, reprisals, reduction in force, forced relocation, demotion with loss of pay, suspension without pay, and dismissal, and from applicants for positions in the classified service related to discrimination. Upon receipt of an appeal, the division shall submit a written request to the director of the office of administrative hearings to designate an administrative hearing officer for the division to conduct the hearing and related proceedings, including receiving evidence and preparing findings of fact, conclusions of law, and issuing a final decision. The moving party in the initial action bears the burden of proof in the appeal. An appeal to the district court from the determination of the administrative hearing officer must be filed according to chapter 28-32, but neither the division nor the office of administrative hearings may be named as a party to the appeal under chapter ~~23-32~~ 28-32 unless an employee of one of those two agencies is involved in the grievance.

**SECTION 18. AMENDMENT.** Section 57-38-71 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-71. Definitions applicable to sections 57-38-71 through 57-38-74.** As used in sections 57-38-71 through 57-38-74, unless the context otherwise requires:

1. "Beginning ~~businessman~~ entrepreneur", excluding beginning farmers as defined in subdivision m of subsection 1 of section 57-38-01.2, means any person who:
  - a. Is a resident of this state.

- b. Receives more than one-half of that person's gross annual income from a revenue-producing enterprise, unless the person initially commences business during the tax year for which a deduction will be claimed under sections 57-38-71 through 57-38-74.
  - c. Intends to use any revenue-producing enterprise purchased or rented for business purposes.
  - d. Has had adequate training, by experience or education, in the type of revenue-producing enterprise which that person wishes to begin.
  - e. Has, including the net worth of that person's dependents and spouse, if any, a net worth of less than one hundred thousand dollars, not including the value of their equity in their principal residence, the value of one personal or family motor vehicle, and the value of their household goods, including furniture, appliances, musical instruments, clothing, and other personal belongings.
2. "~~Businessman~~ Entrepreneur" means any person owning a revenue-producing enterprise in North Dakota, except that any person who acquires such an enterprise for the purpose of obtaining the income tax deduction provided for in sections 57-38-71 through 57-38-74 is not deemed to be a ~~businessman~~ entrepreneur.
  3. "Revenue-producing enterprise" means any real property, buildings, and improvements on the property or to the buildings, and any equipment located on the property or in the buildings, or any personal property used or useful in connection with a revenue-producing enterprise engaged in any industry or business not prohibited by the Constitution of North Dakota or the laws of this state.

**SECTION 19. AMENDMENT.** Section 57-38-72 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-72. Income tax deduction for revenue-producing enterprise sale to beginning ~~businessman~~ entrepreneur.** Any ~~businessman~~ entrepreneur who sells a revenue-producing enterprise to a beginning ~~businessman~~ entrepreneur is entitled to a reduction in the ~~businessman's~~ entrepreneur's taxable income in an amount equal to all income realized and otherwise subject to state income taxes after consideration of any capital gains treatment.

**SECTION 20. AMENDMENT.** Section 57-38-73 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-73. Rent from beginning ~~businessman~~ entrepreneur exempt from income tax.** All income received and otherwise subject to taxation for state income tax purposes resulting from the rental of any revenue-producing enterprise by a ~~businessman~~ an entrepreneur to a beginning ~~businessman~~ entrepreneur under any agreement providing for a lease for at least three years is exempt from income taxes; provided, that no ~~businessman~~ entrepreneur may exclude more than twenty-five thousand dollars pursuant to this section in any tax year nor may any ~~businessman~~ entrepreneur claim this deduction for agreements with more than one beginning ~~businessman~~ entrepreneur for rentals of the same revenue-producing enterprise.

**SECTION 21. AMENDMENT.** Section 57-38-74 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-74. Claim for income tax deduction for revenue-producing enterprise sale or rental to a beginning ~~businessman~~ entrepreneur.** To qualify for the deduction provided in sections 57-38-71 through 57-38-74, the taxpayer shall file with the taxpayer's state income tax return a statement from the beginning ~~businessman~~ entrepreneur who purchased or rented the revenue-producing enterprise containing a list of the assets, debts, and net worth of the beginning ~~businessman~~ entrepreneur, together with any other information required by the state tax commissioner. The value placed on any real property located in North Dakota and owned by the buyer must be the amount listed as the current market value on the most recent real estate tax statement for that particular piece of property. To qualify for the deduction for rental income provided in section 57-38-73, the taxpayer shall state on the taxpayer's tax return that any rental arrangement with any other person was not canceled for the purpose of qualifying for this deduction."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1073, as amended, Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~and must be held~~", after "~~at~~" insert "in", remove the overstrike over "~~the county~~", and after "~~seat~~" insert "or adjacent county of the land being leased"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1110: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1111: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1111 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

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

**FIRST READING OF HOUSE BILLS**

Reps. Hawken, Timm and Sens. Fischer, G. Nelson introduced:

**HB 1324:** A BILL for an Act to amend and reenact sections 51-07-01, 51-07-01.1, 51-07-02, and 51-07-03 of the North Dakota Century Code, relating to the relationship between semitrailer wholesalers and retailers.

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

Reps. Pietsch, Aarsvold, Byerly and Sen. Lyson introduced:

**HB 1325:** A BILL for an Act to amend and reenact subdivision j of subsection 2 of section 39-04-18 and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle excise tax exemptions for motor vehicles acquired or leased by disabled veterans; and to provide an effective date.

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

Reps. Grande, Brandenburg and Sens. Klein, Solberg introduced:

**HB 1326:** A BILL for an Act to amend and reenact section 15-38-17 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-02 and subsection 2 of section 15.1-13-29 of the North Dakota Century Code, relating to the membership of the education standards and practices board; and to provide an effective date.

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

Reps. Eckre, Aarsvold, Kretschmar, Nicholas and Sens. O'Connell, Wardner introduced:

**HB 1327:** A BILL for an Act to amend and reenact sections 58-06-02, 58-07-01, and 58-08-01 of the North Dakota Century Code, relating to compensation of township officers.

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

Reps. Brandenburg, D. Johnson, Nelson, Nicholas and Sens. Christmann, Wanzek introduced:

**HB 1328:** A BILL for an Act to amend and reenact section 11 of chapter 31 of the 1999 Session Laws, relating to the membership and the responsibilities of the crop harmonization committee; and to provide an appropriation.

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

Reps. Jensen, Ekstrom, Kingsbury and Sens. Christenson, Espgaard introduced:

**HB 1329:** A BILL for an Act to provide immunity from suit for a financial institution or financial institution employee that makes a good-faith report of suspected exploitation of a disabled or vulnerable elderly adult; and to create and enact a new subsection to section 6-08.1-03 of the North Dakota Century Code, relating to the disclosure by a financial institution of suspected exploitation of a disabled or vulnerable elderly adult to a government agency or law enforcement agency.

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

Reps. Klemin, Hawken, Renner and Sen. Traynor introduced:

**HB 1330:** A BILL for an Act to amend and reenact section 35-17-03 of the North Dakota Century Code, relating to priority of agister's liens; and to repeal sections 35-30-03 and 35-31-03 of the North Dakota Century Code, relating to priority of agricultural processor's and agricultural supplier's liens.

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

Reps. Haas, L. Thoreson and Sens. Urlacher, Wardner introduced:

**HB 1331:** A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to initiative and referendum petitions.

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

Reps. D. Johnson, Mueller and Sen. Klein introduced:

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to counties not issuing refunds of taxes or fees unless the amount to be refunded is five dollars or more.

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

Reps. Nelson, Froseth, D. Johnson and Sens. Every, Solberg introduced:

**HB 1333:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting.

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

Reps. F. Klein, Haas and Sen. Urlacher introduced:

**HB 1334:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to income limitations that apply to the property tax exemption for farm residences and buildings; and to provide an effective date.

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

Reps. Bellew, DeKrey, Eckre, Haas and Sens. Dever, Freborg introduced:

**HB 1335:** A BILL for an Act to amend and reenact sections 15.1-09-14, 15.1-09-15, 15.1-09-24, 15.1-09-25, 40-09-04, 40-21-02, 40-21-07, and 40-21-12 of the North Dakota Century Code, relating to canvassing school district election results, members of school boards taking oaths of office and failing to qualify for office, terms of city commissioners, withdrawal of city nominating petitions, and canvassing city election results.

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

Rep. F. Klein and Sen. Dever introduced:

**HB 1336:** A BILL for an Act to repeal section 2 of chapter 188 of the 1987 Session Laws, relating to reversion of property not used as a fairgrounds in Stark County.

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

Reps. B. Thoreson, Belter, Keiser and Sens. Klein, G. Nelson, Stenehjem introduced:

**HB 1337:** A BILL for an Act to amend and reenact sections 16.1-08.1-01 and 16.1-08.1-03.3 of the North Dakota Century Code, relating to definitions with respect to campaign contributions; and to provide a penalty.

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

Reps. Mueller, Brandenburg, Nelson and Sens. Kroeplin, Urlacher introduced:

**HB 1338:** A BILL for an Act to impose a moratorium on the sale of genetically modified wheat seed.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Onstad, S. Kelsh, Kroeber and Sens. Lyson, Wardner introduced:

**HCR 3010:** A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

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

#### **FIRST READING OF SENATE BILLS**

**SB 2048:** 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; to provide for retroactive application; and to declare an emergency.

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

**SB 2085:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to administrative agreements for loans and the issuance

of bonds by the municipal bond bank on behalf of state agencies authorized to make loans or to allocate or issue bonds.

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

**SB 2089:** A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to special permit fees for vehicles of excess size and weight.

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

**SB 2103:** A BILL for an Act to amend and reenact section 4-09.1-03 of the North Dakota Century Code, relating to elimination of administrative rulemaking proceedings in establishing fees for commodity grade inspections.

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

**SB 2128:** A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to conflicts of interest of members of the state water commission.

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

**SB 2136:** A BILL for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to resident tuition at state institutions of higher education.

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

**SB 2146:** A BILL for an Act to amend and reenact section 40-05.1-05 of the North Dakota Century Code, relating to the places to file home rule charter; and to declare an emergency.

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

**SB 2165:** A BILL for an Act to create and enact section 54-17.2-05.1 of the North Dakota Century Code, relating to the authority of the state building authority to lease and leaseback state property; and to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the calculation of lease payments for capital construction projects financed by the state building authority.

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

#### **MOTION**

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

#### **MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 18, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**