

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 5, 1999

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

The prayer was offered by Mr. Carroll Foss, Trinity Lutheran Tri-County Ministries, Cooperstown, North Dakota.

The roll was called and all members were present except Representatives Gunter and Tollefson.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully examined the Journal of the Thirty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 729, after line 9, insert:

**"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 4010."

Page 730, remove lines 23 through 25

**REP. AARSVOLD MOVED** that the report be adopted, which motion prevailed.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 9:40 a.m., March 5, 1999: HB 1044, HB 1050, HB 1053, HB 1074, HB 1076, HB 1078, HB 1085, HB 1088, HB 1098, HB 1107, HB 1110, HB 1111, HB 1113, HB 1114, HB 1116, HB 1117, HB 1125, HB 1168, HB 1180, HB 1181, HB 1201, HB 1208, HB 1215, HB 1216, HB 1222, HB 1247, HB 1271, HB 1318, HB 1337, HB 1351, HB 1363, HB 1459, HB 1474.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 11:18 a.m., March 5, 1999: HCR 3010.

**SPECIAL ORDER OF BUSINESS**

**SPEAKER WALD INTRODUCED** G. Roy Gilbreath, former Chief Clerk of the House. Mr. Gilbreath was Chief Clerk for 30 years and was recognized for his 34 years of service to the North Dakota Legislative Assembly. **REP. DORSO INTRODUCED** Mavis "Mazie" Patchen, former Majority Leader's Secretary, who was also recognized for her 32 years of service to the North Dakota Legislative Assembly.

**MOTION**

**REP. DORSO MOVED** that SB 2101, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2101 was rereferred.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2027, Engrossed SB 2066, SB 2098, Engrossed SB 2125, Engrossed SB 2148, SB 2152, Engrossed SB 2181, Engrossed SB 2207, SB 2240, Engrossed SB 2246, and SB 2255 be adopted, which motion prevailed.

Engrossed SB 2027, Engrossed SB 2066, SB 2098, Engrossed SB 2125, SB 2152, Engrossed SB 2181, Engrossed SB 2207, SB 2240, Engrossed SB 2246, and SB 2255, as amended, were placed on the Fourteenth order of business on the calendar.

**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2148, as amended, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2148 was rereferred.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2266 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2266:** Sens. Thane; Fischer; DeMers

**SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for office furniture and computer and telecommunications equipment in a new or expanding primary sector business; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gordier; Grosz; Grumbo; Gulleon; Hanson; Hawken; Hoffner; Huether; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Froseth; Galvin; Grande; Haas; Henegar; Herbel; Jensen; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Gunter; Nicholas; Tollefson

SB 2236 was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2271:** A BILL for an Act to create and enact a new subsection to section 10-19.1-10, a new subsection to section 10-19.1-65, a new subsection to section 10-19.1-87, a new subsection to section 10-32-13, a new subsection to section 10-33-06, a new subsection to section 10-33-17, a new subsection to section 45-10.1-04, sections 45-10.1-04.1, 45-10.1-51.1, 45-10.1-54.1, 45-10.1-58.1, 45-10.1-58.2, 45-13-04.1, 45-13-04.2, 45-15-03.1, 45-15-03.2, 45-22-08.1, 45-22-20.1, 45-22-21.1, and chapter 45-23 of the North Dakota Century Code, relating to business corporations, nonprofit corporations, limited partnerships, general partnerships, limited liability partnerships, and limited liability limited partnerships; to amend and reenact sections 10-06.1-12, 10-06.1-13, 10-06.1-17, 10-06.1-27, 10-19.1-01, subsection 2 of section 10-19.1-05, section 10-19.1-11, subsection 1 of section 10-19.1-13, section 10-19.1-23, subsection 2 of section 10-19.1-30, section 10-19.1-61, subsection 5 of section 10-19.1-61.1, subsection 1 of section 10-19.1-63, subsection 4 of section 10-19.1-64, section 10-19.1-66, subsection 2 of section 10-19.1-68, subsection 2 of section 10-19.1-70, subsection 1 of section 10-19.1-73.2, subsection 1 of section 10-19.1-76.2, subsection 3 of section 10-19.1-83, subsection 1 of section 10-19.1-84, subsection 3 of section 10-19.1-88, sections 10-19.1-91, 10-19.1-96, 10-19.1-97, 10-19.1-98, 10-19.1-99, 10-19.1-100, 10-19.1-101, 10-19.1-102, 10-19.1-103, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, subsection 3 of section 10-19.1-112, subsection 1 of section 10-19.1-113.1, sections 10-19.1-129, 10-19.1-137, 10-19.1-139, subsection 1 of section 10-19.1-146, sections 10-19.1-147, 10-30-05, 10-30.1-04, subsection 1 of section 10-31-02.1, subsection 2 of section 10-31-11, sections 10-31-13, 10-32-02, 10-32-06, 10-32-07, subsection 1 of section 10-32-10, subsection 5 of section 10-32-11, sections 10-32-17, 10-32-22, 10-32-23, 10-32-28, 10-32-30, 10-32-31, 10-32-32, subsection 2 of section 10-32-35, sections 10-32-36, 10-32-37, 10-32-38, 10-32-39, subsection 3 of section 10-32-40, sections 10-32-40.1,

10-32-42, subsection 1 of section 10-32-43, section 10-32-43.1, subsection 1 of section 10-32-44, section 10-32-48, subsection 2 of section 10-32-48.1, sections 10-32-49, 10-32-50, subdivision d of subsection 1 of section 10-32-51, sections 10-32-54, 10-32-55, 10-32-56, 10-32-57, subsection 7 of section 10-32-58, sections 10-32-59, 10-32-60, 10-32-61, 10-32-62, subdivision c of subsection 1 of section 10-32-64, subsection 1 of section 10-32-66, subsection 2 of section 10-32-67, sections 10-32-68, 10-32-70, 10-32-71, 10-32-72, 10-32-74, 10-32-75, 10-32-76, subsection 1 of section 10-32-78, subdivision a of subsection 1 of section 10-32-78.1, subsection 1 of section 10-32-79, sections 10-32-80, 10-32-81, 10-32-82, 10-32-83, subsection 1 of section 10-32-84, subsection 2 of section 10-32-85, section 10-32-86, subdivision b of subsection 2 of section 10-32-87, sections 10-32-88, 10-32-89, 10-32-94, 10-32-95, 10-32-99, 10-32-100, subdivision b of subsection 1 of section 10-32-101, section 10-32-102, subsection 1 of section 10-32-103, sections 10-32-104, 10-32-105, subdivision a of subsection 2 of section 10-32-106, sections 10-32-107, 10-32-109, paragraph 1 of subdivision b of subsection 1 of section 10-32-112, subdivision b of subsection 3 of section 10-32-113, sections 10-32-114, 10-32-119, subsection 2 of section 10-32-122, sections 10-32-131, 10-32-140, 10-32-142, subsection 2 of section 10-32-149, subsection 1 of section 10-32-150, section 10-33-01, subsection 1 of section 10-33-10, subsection 4 of section 10-33-13, section 10-33-49, subsection 3 of section 10-33-50, subsection 3 of section 10-33-54, section 10-33-84, subsection 2 of section 10-33-87, sections 10-33-95, 10-33-130, 34-09-06, 45-10.1-01, subsection 1 of section 45-10.1-02, sections 45-10.1-08, 45-10.1-09, 45-10.1-10, 45-10.1-11, 45-10.1-14, 45-10.1-15, 45-10.1-36, 45-10.1-51, 45-10.1-52, 45-10.1-53, 45-10.1-55, 45-10.1-58, 45-11-08.2, 45-13-01, subsection 2 of section 45-13-03, sections 45-13-05, 45-13-06, 45-14-01, subsection 1 of section 45-15-03, subsection 1 of section 45-15-06, sections 45-22-01, 45-22-03, 45-22-04, 45-22-05, 45-22-06, 45-22-07, 45-22-10, 45-22-11, 45-22-12, 45-22-13, 45-22-14, 45-22-15, 45-22-16, 45-22-17, 45-22-18, 45-22-20, subsection 1 of section 45-22-21, sections 45-22-22, 45-22-23, subsection 2 of section 45-22-24, sections 45-22-25, 45-22-26, subdivision b of subsection 1 of section 45-22-27, subsection 6 of section 47-22-02, sections 47-25-03, and 61-13-03.1 of the North Dakota Century Code, relating to farm corporations, business corporations, development corporations, venture capital corporations, professional associations, limited liability companies, nonprofit corporations, labor unions, limited partnerships, fictitious partnership names, general partnerships, limited liability partnerships, trademarks, trade names, and the organization of corporations for irrigation purposes; and to repeal sections 45-10.1-54 and 45-22-08 of the North Dakota Century Code, relating to the names of foreign limited partnership and piercing the limited liability shield of limited liability partnerships.

#### 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 67 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Cleary; Ekstrom; Fairfield; Froelich; Gulleeson; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Tollefson

Engrossed SB 2271, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to the sale of food, drugs, and cosmetics; 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 NOT PASS, the roll was called and there were 15 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Ekstrom; Fairfield; Glassheim; Grumbo; Gulleson; Hoffner; Kelsh, S.; Lemieux; Niemeier; Poolman; Sandvig; Solberg; Stefonowicz; Winrich

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

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Tollefson

Engrossed SB 2368 was declared lost.

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**SECOND READING OF SENATE BILL**

**SB 2069:** A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 2 of section 15-39.1-10 of the North Dakota Century Code, relating to the computation of benefits under the teachers' fund for retirement; and to provide for application.

**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; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; 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:** Boucher; Dorso; Gunter; Tollefson

SB 2069 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2064:** A BILL for an Act to create and enact a new section to chapter 43-23 of the North Dakota Century Code, relating to the duty to disclose information on sexual offenders in a real estate transaction.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren;

Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** Boucher; Dorso; Gunter; Kelsh, S.; Tollefson

SB 2064 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2257:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the distribution of per student special education payments after closure of a school district; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; 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:** Boucher; Dorso; Gunter; Nicholas; Tollefson

Engrossed SB 2257, 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 2437:** A BILL for an Act to create and enact a new section to chapter 23-15 of the North Dakota Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

### 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 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; 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:** Ekstrom

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Nicholas; Tollefson

SB 2437, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2249:** A BILL for an Act to amend and reenact section 12-54.1-01 of the North Dakota Century Code, relating to sentence reduction for good or meritorious conduct.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; 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; 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:** Boucher; Dorso; Gunter; Nicholas; Tollefson

Engrossed SB 2249 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to ballot measures on the question of excise taxes on telephone access lines.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; 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; 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:** Boucher; Dorso; Gunter; Nicholas; Tollefson

SB 2318 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to create and enact two new sections to chapter 57-20 of the North Dakota Century Code, relating to notice and preservation of tax liens; to amend and reenact sections 11-11-13, 11-13-07, 11-27-08, 15-08-19, 21-02-01, 32-31-01, 32-31-02, 32-31-03, subsection 60 of section 40-05-01, section 40-25-03, subsection 3 of section 57-02-08, sections 57-20-13, 57-22-22, 57-23-07, 57-25-01, 57-25-02, 57-25-04, 57-25-05, 57-28-01, 57-28-02, 57-28-03, 57-28-04, 57-28-05, 57-28-06, 57-28-07, 57-28-08, 57-28-09, 57-28-10, 57-28-14, 57-28-18, 57-28-19, 57-28-19.1, 57-28-22, 57-28-23, 57-29-01, 57-45-05, 57-45-11, 57-45-12, 61-01-21, 61-07-05, 61-09-15, 61-16.1-31, 61-21-52, and 61-35-87 of the North Dakota Century Code, relating to sales of property for delinquent taxes and provisions for foreclosure of tax liens for unpaid property taxes; to repeal sections 40-25-04, 40-25-05, 40-25-08, 40-25-09, 40-25-10, 57-20-24, 57-20-25, chapters 57-24, 57-26, 57-27, and section

57-28-21 of the North Dakota Century Code, relating to sales of property for delinquent taxes; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Fairfield; Lemieux; Lundgren; Thorpe

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Nicholas; Tollefson

SB 2334 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2389:** A BILL for an Act to create and enact a new subsection to section 54-35-18.2 and a new section to chapter 54-35 of the North Dakota Century Code, relating to study areas of the electric industry competition committee; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Mueller; Nelson; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** DeKrey; Fairfield; Froelich; Hoffner; Kelsh, S.; Kerzman; Meyer; Monson; Nichols; Nowatzki; Solberg; Stefonowicz; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Nicholas; Tollefson

Engrossed SB 2389 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2421:** A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales tax exemption for certain machinery and equipment for refining of crude oil; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 24 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Disrud; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner;

Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nichols; Nottestad; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Stefonowicz; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Brusegaard; Byerly; Dalrymple; Delzer; Devlin; Ekstrom; Fairfield; Froelich; Gorder; Jensen; Keiser; Kelsch, S.; Kerzman; Lundgren; Monson; Niemeier; Nowatzki; Pollert; Poolman; Severson; Solberg; Sveen; Warner; Wentz

**ABSENT AND NOT VOTING:** Boucher; Dorso; Gunter; Nicholas; Svedjan; Tollefson

SB 2421 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that the House reconsider its action whereby SB 2421 passed, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that SB 2421 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2421 was rereferred.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2042, SB 2079, SB 2141, SB 2197.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2054, SB 2132, SB 2309, SB 2388, SB 2407.

**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 2087.

**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 2275.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 8, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HCR 3058: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3058 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3071, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3071 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2055: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (10 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2081, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2081 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2107, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2107 was placed on the Sixth order on the calendar.

Page 3, remove lines 15 and 16

Page 3, line 17, remove "accorded due process."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2184: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2184 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2208, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2208 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2232, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2232 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2237, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2237 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2238: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2243, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 6, after "**drafter**" insert "**of legal description**"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2247: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2247 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2261: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2261 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2264, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2264 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2289, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2289 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2290: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "meet with" with "provide at least fourteen days' notice of the meeting to"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2298: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2298 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2347, as reengrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2347 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2369: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2369 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2372, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2372 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2373, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "big game animals" and insert immediately thereafter "deer and antelope" and remove the overstrike over "~~twelve noon central standard time~~" and insert immediately thereafter "and on elk, moose, and bighorn sheep begins"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2426, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2426 was placed on the Fourteenth order on the calendar.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1332.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1332**

Page 11, line 25, replace "Sections 1," with "The change in subdivision a of subsection 5 of section 1 of this Act dealing with calculation of disability benefits for seasonal employment for up to the first twenty-eight consecutive days of disability is effective for all claims filed for injuries occurring after July 31, 1999. The remainder of section 1 and sections" and remove the second comma

Renumber accordingly

**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 2051, SB 2052, SB 2067, SB 2092, SB 2094, SB 2143, SB 2209.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2280 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2280:** Sens. Watne; Flakoll; C. Nelson

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1160, HB 1234, HB 1235, HB 1238, HB 1269, HB 1270, HB 1330, HB 1445.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: HB 1119, HB 1205, HB 1473, HCR 3006.

**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 1119, HB 1205, HB 1473, HCR 3006.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1119, HB 1205, HB 1473, HCR 3006.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1168.

**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 2102, SB 2103, SB 2104, SB 2147, SB 2155.

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

**LANCE HAGEN, Chief Clerk**