

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, March 25, 1999

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

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

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

A quorum was declared by the Speaker.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4056: A concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.
Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that SCR 4056 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, be placed on the calendar for second reading and final passage and messaged to the Senate immediately, which motion prevailed.

Sens. Holmberg, DeMers, Mutch, St. Aubyn, W. Stenehjem and Reps. Brusegaard, Delmore, Glassheim, Jensen, Kliniske, Lloyd, Nottestad, Poolman, Svedjan, Winrich introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4056

A concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.

WHEREAS, Ralph Engelstad is a graduate of the University of North Dakota and was a goalie on the UND hockey team in the 1950s; and

WHEREAS, Ralph Engelstad turned down an offer to play professional hockey in order to launch a successful business career and has become one of our nation's outstanding entrepreneurs; and

WHEREAS, Ralph and Betty Engelstad have never forgotten their midwestern roots and have given generously to his alma mater, including the valuable General Patton papers which are now a permanent part of the UND special collections; and

WHEREAS, Ralph and Betty Engelstad have now made a gift commitment of \$100 million to the University of North Dakota Foundation, half of which is to be used to build a state-of-the-art 12,000-seat hockey arena and the rest to be available to benefit the University; and

WHEREAS, this latest gift from Ralph and Betty Engelstad is among the largest private gifts ever donated to a public university or college in this nation; and

WHEREAS, the business success of the Engelstads and their generosity to the University of North Dakota have set examples for young people to emulate;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That on behalf of all the people of North Dakota, the Legislative Assembly expresses sincerest appreciation for the generosity and foresight of Ralph and Betty Engelstad in making this historic contribution to benefit the University of North Dakota, its present and future students, and the people of this state and region; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Ralph and Betty Engelstad.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4056: A concurrent resolution of appreciation to Ralph and Betty Engelstad for their gift of \$100 million to the University of North Dakota.

ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 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; Drovda; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Mueller; Svedjan

SCR 4056 was declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1082 as printed on HJ page 935, which motion prevailed.

Engrossed HB 1082, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1082: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to imported cigarettes; to amend and reenact section 57-36-07 of the North Dakota Century Code, relating to the size of packages of cigarette and roll-your-own tobacco sales or distribution; 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 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovda; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Boehm; Brusegaard; Carlson; Delzer; Eckre; Renner

ABSENT AND NOT VOTING: Aarsvold; Mueller; Svedjan

Reengrossed HB 1082 passed, the title was agreed to, and the emergency clause was declared carried.

REQUEST

REP. AARSVOLD REQUESTED that the record show that he intended to vote YEA on Reengrossed HB 1082, which request was granted.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1146 as printed on HJ page 936, which motion prevailed.

Engrossed HB 1146, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact subsection 22 of section 11-11-14 of the North Dakota Century Code, relating to powers of boards of county commissioners.

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

NAYS: Carlson; Delzer; Grande; Grosz; Gunter; Koppelman

ABSENT AND NOT VOTING: Eckre; Mueller; Svedjan

Reengrossed HB 1146 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to Engrossed HB 1149 as printed on HJ page 915, which motion prevailed.

Engrossed HB 1149, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact sections 16.1-01-05, 16.1-05-06, 16.1-07-08, 44-02-01, and 58-04-09 of the North Dakota Century Code, relating to voting by an elector moving from one precinct to another, procedures for challenging voters and voters who apply for absent voter's ballots, and when vacancies in office occur.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Maragos; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Boucher; Brusegaard; Cleary; Devlin; Fairfield; Grumbo; Gulleston; Hanson; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lundgren; Mahoney; Meyer; Nichols; Niemeier; Rose; Schmidt; Thorpe

ABSENT AND NOT VOTING: Mueller; Svedjan

Reengrossed HB 1149 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to Engrossed HB 1326 as printed on HJ page 968, which motion prevailed.

Engrossed HB 1326, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to provide damages in accidents with uninsured motorists.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Cleary; Ekstrom; Fairfield; Froelich; Gulleson; Hoffner; Kelsh, S.; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Stefonowicz; Thorpe; Warner; Winrich

ABSENT AND NOT VOTING: Mueller; Svedjan

Reengrossed HB 1326 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1158 as printed on HJ page 917 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 1158: Reps. Weisz, B. Thoreson, Eckre.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2088: Reps. Drovdal, Nelson, Hanson.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed SB 2008, Engrossed SB 2017, Engrossed SB 2022, Engrossed SB 2023, Engrossed SB 2024, Engrossed SB 2026, SB 2071, and Engrossed SB 2114 be adopted, which motion prevailed.

Engrossed SB 2008, Engrossed SB 2017, Engrossed SB 2022, Engrossed SB 2023, Engrossed SB 2024, Engrossed SB 2026, SB 2071, and Engrossed SB 2114, as amended, were placed on the Fourteenth order of business on the calendar.

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.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4058: A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that SCR 4058 not be printed, not be referred to committee, be read in title only, be printed in the Journal and placed on the calendar

for second reading and final passage and messaged to the Senate immediately, which motion prevailed.

Sens. W. Stenehjem, DeMers, Holmberg, St. Aubyn and Reps. Delmore, Glassheim, Jensen, Kliniske, Nottestad, Poolman, Svedjan, Winrich introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4058

A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

WHEREAS, the University of North Dakota Fighting Sioux women's basketball team captured its third consecutive NCAA Division II championship and capped its postseason play with an 80-63 championship victory over Arkansas Tech at Pine Bluff, Arkansas; and

WHEREAS, the Fighting Sioux women's basketball team ran off 31 victories against only one loss and for the 10th consecutive season won more than 20 games under the leadership of Coach Gene Roebuck; and

WHEREAS, Jenny Crouse, named most outstanding player of the Division II Elite Eight tournament for the second consecutive year, Jaime Pudenz and Katie Richards, named to the all-tournament team, and the other talented individual athletes distinguished themselves under the guidance of Coach Roebuck by displaying explosive offense, tenacious defense, and exemplary teamwork in realizing their goal of a third consecutive national championship, a performance of which North Dakotans are extremely proud;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-sixth Legislative Assembly takes pride in extending to all members and coaches of the University of North Dakota Fighting Sioux women's basketball team its heartiest congratulations for winning the 1999 NCAA Division II women's national basketball championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux women's basketball team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4058: A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning its third consecutive NCAA Division II national championship.

The question being on the adoption of the resolution, which has been read.

SCR 4058 was declared adopted on a voice vote.

MOTION

REP. DORSO MOVED that Reengrossed SB 2162 and Engrossed SB 2182 be placed at the top of the Seventh order, which motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER WALD ANNOUNCED that in accordance with House Rule 602(4), if the motion for the substitution of the Minority report for the Majority report fails, the Majority report is adopted.

MOTION

REP. NOWATZKI MOVED that the report of the Minority as printed on HJ pages 960-961 be substituted for the report of the Majority on Reengrossed SB 2162.

REQUEST

REP. HOFFNER REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2162, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2162, the roll was called and there were 34 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Guleson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefanowicz; Thorpe; Warner; Winrich

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

ABSENT AND NOT VOTING: Svedjan

The motion that the report of the Minority be substituted for the report of the Majority on Reengrossed SB 2162 failed, therefore, the report of the Majority was adopted.

SIXTH ORDER OF BUSINESS

SB 2162, as reengrossed: REP. R. KELSCH (Education Committee) MOVED that the amendments on HJ pages 959-960 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a recorded roll call vote as follows:

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed SB 2162, the roll was called and there were 64 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Glassheim; Gorder; Grande; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Rennerfeldt; Severson; Solberg; Stefanowicz; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Boucher; Carlson; Cleary; DeKrey; Delzer; Eckre; Ekstrom; Fairfield; Froelich; Grosz; Grumbo; Guleson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Renner; Rose; Sandvig; Schmidt; Thorpe; Winrich

ABSENT AND NOT VOTING: Svedjan

The amendments to Reengrossed SB 2162 were adopted and Reengrossed SB 2162, as amended, was rereferred to the **Appropriations Committee**.

SEVENTH ORDER OF BUSINESS**MOTION**

REP. ROSE MOVED that the report of the Minority as printed on HJ pages 963-964 be substituted for the report of the Majority on Engrossed SB 2182.

REQUEST

REP. HOFFNER REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2182, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2182, the roll was called and there were 35 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleston; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Winrich

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

ABSENT AND NOT VOTING: Svedjan

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2182 failed, therefore, the report of the Majority was adopted.

SIXTH ORDER OF BUSINESS

SB 2182, as engrossed: REP. PRICE (Human Services Committee) MOVED that the amendments on HJ pages 962-963 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a recorded roll call vote as follows:

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2182, the roll was called and there were 71 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Cleary; Eckre; Ekstrom; Fairfield; Froelich; Grumbo; Gulleston; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Thorpe; Winrich

ABSENT AND NOT VOTING: Svedjan

The amendments to Engrossed SB 2182 were adopted and Engrossed SB 2182, as amended, was rereferred to the **Appropriations Committee**.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Olaf Opedahl

MOTION

REP. DORSO MOVED that the House request the return of SB 2411 from the Senate, which motion prevailed on a verification vote.

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

MADAM PRESIDENT: The House respectfully requests the return of: SB 2411.

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

MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2411.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2413.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on March 25, 1999: HB 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185, HB 1260, HB 1315, HB 1356, HB 1372, HB 1388, HB 1417, HB 1439, HB 1450, HB 1454.

MOTION

REP. HUETHER MOVED that the House reconsider its action whereby SB 2361 failed to pass for lack of a Constitutional majority.

REQUEST

REP. LEMIEUX REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2361 failed to pass for lack of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2361 failed to pass for lack of a Constitutional majority, the roll was called and there were 51 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Brekke; Clark; Cleary; DeKrey; Delmore; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grumbo; Gulleson; Hanson; Hawken; Hoffner; Huether; Jensen; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Weisz; Wikenheiser; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Gorder; Grande; Grosz; Gunter; Haas; Henegar; Herbel; Johnson, N.; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Monson; Nelson; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Timm; Tollefson; Wentz; Speaker Wald

ABSENT AND NOT VOTING: Nicholas; Svedjan

So the motion to reconsider the action whereby SB 2361 failed to pass for lack of a Constitutional majority prevailed.

MOTION

REP. DORSO MOVED that SB 2361 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2361 was rereferred.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to grounds for the automatic denial or revocation of teaching certificates; 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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; 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; 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; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Solberg; Stefonowicz; Thorpe

ABSENT AND NOT VOTING: Boucher; Svedjan

Engrossed SB 2074, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. WARNER MOVED that the House reconsider its action whereby Engrossed SB 2411 passed.

REQUEST

REP. FAIRFIELD REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2411 passed, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2411 passed, the roll was called and there were 44 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Carlisle; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gullerson; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Svedjan

So the motion to reconsider the action whereby Engrossed SB 2411 passed, failed.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, March 26, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2125, as engrossed: 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). Engrossed SB 2125 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 724 of the House Journal and the amendments printed on pages 894 and 895 of the House Journal, Engrossed Senate Bill No. 2125 is amended as follows:

Page 1, line 2, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 1, line 14, replace "a person" with "an individual"

Page 1, line 16, replace "person's" with "individual's"

Page 1, after line 20, insert:

"3. A city or county may adopt an ordinance or resolution regarding the sale of tobacco to minors and use of tobacco by minors which is more stringent than this section. Any ordinance or resolution adopted which deems a violation of subsection 1 or 2 a noncriminal violation must provide for a fee of not less than twenty-five dollars.

a. Any individual who has been cited for a violation that is designated a noncriminal offense may appear before a court of competent jurisdiction and pay the statutory fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the statutory fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance

before the court must be identical to the statutory fee. This subdivision does not allow a halting officer to receive the statutory fee or bond.

- b. If an individual cited for a violation that is designated a noncriminal offense does not choose to follow any procedure provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual charged shall deposit with the court an appearance bond equal to the statutory fee for the violation charged. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence.

4. A law enforcement officer who cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2307, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2307 was placed on the Sixth order on the calendar.

Page 1, line 4, after "communications" insert "; to provide for a legislative council study"

Page 1, line 5, remove "a" and replace "appropriation" with "appropriations"

Page 2, line 24, replace "one dollar" with "twenty-five cents"

Page 2, line 26, after the underscored period insert "On or after January 1, 2003, the fee under this section is subject to adjustment as provided in subsection 2 of section 57-40.6-02.2."

Page 4, line 1, after "2." insert "a."

Page 4, after line 17, insert:

- b. A political subdivision may not begin implementation of phase II of enhanced 911 wireless service, as defined by the federal communications commission, before August 1, 2001. A political subdivision that has not certified by January 1, 2003, that it has formally begun the implementation of phase II of enhanced 911 wireless service as defined by the federal communications commission is not entitled to allocation of the funds and interest held in escrow for that political subdivision under subdivision a, except to the extent those funds are necessary to complete phase I of enhanced 911 wireless service. The state treasurer shall transfer funds and interest to which a political subdivision is not entitled to a special rebate account for rebates to commercial mobile radio service customers through their providers. Upon application to the tax commissioner, each provider is entitled to a rebate of a percentage of the funds in the special rebate account equal to the percentage that provider paid of the total deposits into escrow under subdivision a and the provider shall allocate the rebate pro rata among the provider's customers. The funds and interest in the special rebate account are appropriated as a standing and continuing appropriation to the tax commissioner for rebates under this subdivision.
- c. By February 1, 2003, the tax commissioner shall administratively adjust the wireless 911 service fee under section 57-40.6-02.1. The fee must be reduced to reflect elimination of funding under subdivision b for political subdivisions that will not receive allocations

of funds or interest because of failure to implement phase II of enhanced 911 wireless service."

Page 5, line 17, after "agent," insert "subcontractor."

Page 6, line 5, replace "agency" with "agent, subcontractor"

Page 6, after line 17, insert:

"SECTION 7. LEGISLATIVE COUNCIL 911 SERVICE STUDY. The legislative council shall study the current public safety answering points and systems for their capability to adequately administer systems, consider the feasibility and advisability of consolidating systems for the purposes of more efficiently administering systems and utilizing available funds, and review the technology under development or deployed to satisfy the requirements of the federal mandate for wireless enhanced 911 service and how such service could be integrated into the existing 911 system. The legislative council shall report its findings and recommendations, with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of school year.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1034 does not become effective, Section 15-47-33 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-33. Length of elementary and secondary school year term.

1. All elementary and secondary schools in this state shall provide for a school term of at least one hundred eighty days apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subsections 2 through 10 of section 15-38-04.1 selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held, or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside normal school hours.
2. A full day of instruction:
 - a. Consists of at least five and one-half hours of instruction time for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. Consists of at least six hours of instruction time for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

3. Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction.

SECTION 2. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During each school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours.
2. A full day of instruction consists of:
 - a. At least five and one-half hours ~~of instruction time~~ for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours ~~of instruction time~~ for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
3. Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 2, after "cases" insert "; and to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the asset forfeiture fund"

Page 1, underscore lines 6 through 24

Page 2, underscore lines 1 through 18

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Section 54-12-14 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation. ~~There is hereby created a fund to be known as the~~ The attorney general assets forfeiture fund. ~~The fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law. The total aggregate amount ~~in~~ of deposits into the fund which do not come from legislative appropriation and are not payable to another governmental entity may not exceed ~~five~~ two hundred thousand dollars within a biennium and ~~at the end of each fiscal year~~ any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:~~

1. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
2. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
3. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
4. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
5. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation and drug enforcement unit incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
6. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.

The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the chief of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2414, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (14 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2414 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1431: Your conference committee (Sens. Traynor, Lyson, C. Nelson and Reps. Sveen, Gunter, Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 825-826, adopt further amendments as follows, and place HB 1431 on the Seventh order:

That the Senate recede from its amendments as printed on pages 825 and 826 of the House Journal and page 673 of the Senate Journal and that House Bill No. 1431 be amended as follows:

Page 2, line 4, replace "twenty-five" with "sixty"

Renumber accordingly

HB 1431 was placed on the Seventh order of business on the calendar.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1082, HB 1146, HB 1149, HB 1326.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1158 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1158: Reps. Weisz; B. Thoreson; Eckre

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 2088: Reps. Drovdal; Nelson; Hanson

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

MADAM PRESIDENT: The House has passed unchanged: SB 2398, SCR 4056.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4058.

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 2074.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SCR 4010.

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

MADAM PRESIDENT: The House has failed to pass: SB 2316.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2411.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1294, HB 1382, HB 1462, HCR 3043.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1294

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 43-29-13 of the North Dakota Century Code, relating to the practice of veterinary medicine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-29-13 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-29-13. Practices excepted from chapter. The following persons may not be considered to be engaging in the practice of veterinary medicine in this state:

1. Those who administer to livestock, the title to which rests in themselves, or in their regular employer, except where the ownership of the animal was transferred to avoid the requirements of this chapter, or those who perform gratuitous services.
2. Anyone who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.
3. Anyone who is a regular student in an accredited or approved college of veterinary medicine performing duties or actions assigned by an instructor

or working under the direct supervision of a licensed veterinarian during a school vacation period.

4. Anyone licensed in another state or nation when engaged in this state in consultation with veterinarians legally practicing herein.
5. A senior student who is in an approved school of veterinary medicine and who obtains from the board a student permit to practice in the office and under the direct supervision of any veterinarian practicing within this state.
6. Any employee of the United States or this state while in the performance of duties as employees.
7. Any merchant or manufacturer selling medicine, feed, an appliance, or any other product used in the prevention or treatment of animal diseases.
8. Any veterinary technician or other employee of a licensed veterinarian performing duties under the direction and supervision of the veterinarian responsible for the technician's or other employee's performance.
9. Any member of the faculty of an accredited college of veterinary medicine performing regular functions or a person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or in connection with a continuing education course or seminar.
10. Any person selling or applying any pesticide, insecticide, or herbicide.
11. Any graduate of a foreign college of veterinary medicine who is in the process of obtaining a certificate and is performing duties or actions assigned by the graduate's instructors in an accredited or approved college of veterinary medicine.
12. Any person performing a direct embryo transfer procedure on a recipient cow. Except as provided in this subsection, a person performing a direct embryo transfer procedure on a recipient cow may not administer prescription drugs to the cow during, or as part of, the procedure. The owner of the recipient cow, however, may administer or cause the administration of prescription drugs to the recipient cow during, or as part of, the procedure if a veterinarian-client-patient relationship exists.

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1382

Page 1, line 2, after "property" insert "; to amend and reenact subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, relating to options for state funding of clerk of district court services; and to amend and reenact section 29-22-31 of the North Dakota Century Code, relating to refund of bail money"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1275 becomes effective, subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code, as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, are amended and reenacted as follows:

3. In a county in which the supreme court determines that at least ~~two~~ five full-time employees are necessary to provide adequate clerk of district court services, the elected clerk of district court and clerk of court staff designated by the supreme court shall become employees of the state judicial system if the board of county commissioners consents to the transition after consultation with the elected clerk. This subsection applies upon receipt by the supreme court of a resolution adopted by the board of county commissioners indicating its consent. Any equipment, including ~~technology-related~~ technology-related equipment, and furnishings in the control and custody of the clerk of district court on the date the clerk becomes a state employee must remain in the control and custody of the clerk until the state court administrator determines the items are no longer needed. The clerk, upon becoming a state employee, shall receive a salary in an amount not less than the salary received as a county employee

and shall remain an employee of the state judicial system until the clerk retires, resigns, or the term for which the clerk was initially elected expires, whichever occurs earlier. Thereafter, the clerk of district court must be appointed in the manner provided by supreme court rule. The bond for the clerk of district court must be set by the supreme court. If the board of county commissioners does not consent to the clerk and designated staff becoming employees of the state judicial system, the county must provide clerk of district court services at its own expense in accordance with subsection 2.

4. In a county in which the supreme court determines that one or more, but less than ~~two~~ five, full-time employees are necessary to provide clerk of district court services, the elected clerk of district court and clerk of court staff designated by the supreme court shall become employees of the state judicial system in the manner described in subsection 3. If the board of county commissioners does not consent to the clerk and designated staff becoming employees of the state judicial system, the county may provide clerk of district court services at its own expenses under subsection 2 or the supreme court may provide funding for clerk of district court services in accordance with an agreement under subsection 6."

Page 1, line 6, underscore "**Bail - Defendant's property.**", replace "Moneys" with "Except as otherwise provided in this section, moneys", and underscore "deposited as bail are the property of the"

Page 1, line 7, underscore "defendant, whether deposited by the defendant or by a third person on the defendant's behalf." and insert immediately thereafter "If bail moneys are deposited by a third person, the person must be notified at the time of deposit that the moneys may be paid to the defendant upon final disposition of the case or applied to any fine, cost, or restitution imposed on the defendant. The person may direct, subject to further order of the judge, that the deposited moneys be released to that person upon final disposition of the case."

Page 1, underscore lines 8 through 10

Page 1, line 11, underscore "be paid to the defendant or pursuant to the defendant's written direction" and insert immediately thereafter "or, unless otherwise ordered by the judge, as directed by a person who deposited moneys on behalf of the defendant" and underscore ". In the case of a"

Page 1, underscore lines 12 through 15

Page 1, after line 15, insert:

"SECTION 3. AMENDMENT. Section 29-22-31 of the North Dakota Century Code is amended and reenacted as follows:

29-22-31. Verdict of guilty - Procedure. If a general verdict is rendered against the defendant, or a special verdict is given, ~~he~~ the defendant must be remanded, if in custody, or, if ~~he~~ the defendant is at large on bail, ~~he~~ may be committed to the proper officer of the county to await the judgment of the court upon the verdict. When committed, ~~his~~ the defendant's bail is exonerated, or if money is deposited instead of bail, it must be refunded ~~to the defendant~~ in accordance with section 2 of this Act."

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1462

Page 1, line 1, replace "sections 57-43.1-02.2, 57-43.1-12.1, 57-43.2-03.1," with "section"

Page 1, line 2, remove "57-43.2-04.4," and remove ", 57-43.3-02.2, 57-43.3-09, 57-43.3-14, 57-43.3-18, 57-43.3-28, and"

Page 1, line 3, remove "chapter 57-43.4" and replace "collection by the supplier of" with "use of dyed special fuel in a licensed motor vehicle and penalties"

Page 1, remove line 4

Page 1, line 5, remove "administration, enforcement, and penalties" and remove "57-43.1-02,"

Page 1, line 6, remove "57-43.1-14, 57-43.1-16, 57-43.1-24, 57-43.1-26,", replace ", 57-43.2-02," with "and", and remove the seventh comma

Page 1, line 7, remove "57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-11, 57-43.2-21, and 57-43.3-02"

Page 1, line 8, replace "collection by suppliers of motor vehicle, special fuels, aviation" with "definitions for special fuels tax purposes"

Page 1, remove line 9

Page 1, line 10, remove "penalties" and replace "sections 57-43.1-27 and 57-43.3-24" with "section 57-43.2-02.2"

Page 1, line 11, replace "motor vehicle fuels tax imposition and credit for losses and aviation fuel" with "refunds of special fuels"

Page 1, line 12, remove "collection allowances"

Page 1, remove lines 14 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 20

Page 13, line 11, remove the overstrike over "~~compressed natural gas~~" and insert immediately thereafter an underscored comma

Page 13, line 17, remove "alternative fuels as defined in section 57-43.4-01,"

Page 13, remove lines 28 through 30

Page 14, remove lines 1 through 31

Page 15, remove lines 1 through 30

Page 16, remove lines 1 through 10

Page 16, line 14, remove the overstrike over "~~two percent~~"

Page 16, line 15, remove "one and two-tenths cents per gallon [3.79 liters]"

Page 16, line 16, remove "For a"

Page 16, remove lines 17 through 19

Page 16, line 20, overstrike "The special excise tax applies to all special fuels taxed under section 57-43.2-02"

Page 16, overstrike line 21

Page 16, line 22, overstrike "3."

Page 16, line 25, overstrike "4." and insert immediately thereafter "3."

Page 17, line 1, overstrike "5." and insert immediately thereafter "4."

Page 17, line 2, remove the overstrike over "~~identify the consumer to whom the sale was made,~~"

Page 17, line 3, remove the overstrike over "~~specify the purpose for which the special fuel was sold, and~~"

Page 17, line 5, overstrike "6." and insert immediately thereafter "5." and remove "The tax imposed by this section does not apply on sales by a supplier to another"

Page 17, remove line 6

Page 17, line 7, remove "7.", remove the overstrike over "~~The dealer~~", remove "A supplier", and remove the overstrike over "~~on all sales to a~~"

Page 17, line 8, remove "and shall pass the tax on to the distributor, retailer, or" and remove "A distributor"

Page 17, remove lines 9 through 30

Page 18, remove lines 1 through 30

Page 19, remove lines 1 through 29

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 31

Page 23, remove lines 1 through 30

Page 24, remove lines 1 through 31

Page 25, remove lines 1 through 30

Page 26, line 3, replace "**Penalties**" with "**Administrative fees**"

Page 26, line 10, replace "civil penalties" with "administrative fees"

Page 26, line 11, replace "one" with "two", after "hundred" insert "fifty", and replace "fine" with "fee"

Page 26, line 12, replace "fine" with "fee"

Page 26, line 14, replace "fine" with "fee"

Page 26, line 16, replace "fine" with "fee"

Page 27, line 5, after "hearing" insert "before the tax commissioner in the manner provided in chapter 28-32 if, within thirty days after receiving a citation, the person requests a hearing"

Page 27, after line 13, insert:

"6. All administrative fees or civil penalties under this section may be completely or partially waived by the tax commissioner for good cause shown, and any fees or penalties not waived must be collected by the tax commissioner and transferred to the state treasurer and deposited in the state highway fund."

Page 27, remove lines 14 through 29

Page 28, remove lines 1 through 31

Page 29, remove lines 1 through 31

Page 30, remove lines 1 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 30

Page 33, remove lines 1 through 29

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 31

Page 36, remove lines 1 through 30

Page 37, remove lines 1 through 30

Page 38, remove lines 1 through 30

Page 39, remove lines 1 through 31

Page 40, remove lines 1 through 30

Page 41, remove lines 1 through 30

Page 42, remove lines 1 through 31

Page 43, remove lines 1 through 31

Page 44, remove lines 1 through 31

Page 45, remove lines 1 through 31

Page 46, remove lines 1 through 30

Page 47, remove lines 1 through 31

Page 48, remove lines 1 through 31

Page 49, remove lines 1 through 31

Page 50, remove lines 1 through 31

Page 51, remove lines 1 through 31

Page 52, remove lines 1 through 31

Page 53, remove lines 1 through 19

Page 53, line 20, replace "57-43.1-27" with "57-43.2-02.2", after "the" insert "1997 Supplement to the", and replace "and" with "is repealed."

Page 53, remove lines 21 and 22

Page 53, line 24, remove ", and taxable inventories held on,"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3043

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the clarity and continuity of end-of-life decisionmaking issues and related laws.

WHEREAS, a broad variety of state laws address end-of-life issues, including informed consent for health care, guardianship, organ donation, living will, durable power of attorney for health care, durable power of attorney, and power of attorney; and

WHEREAS, state law addressing these issues was enacted over the course of several years, resulting in the lack of continuity and dispersal throughout the North Dakota Century Code; and

WHEREAS, many North Dakotans fail to adequately plan for issues that arise at the end of life because of the complexity of relevant laws; and

WHEREAS, the National Conference of Commissioners on Uniform State Laws recognized the value of clarity and continuity in making health care decisions and therefore recommended the Uniform Health Care Decision Act to the states for enactment; and

WHEREAS, at least 16 states have studied the advantages and disadvantages of enacting comprehensive advanced health care directive statutes, concluding a comprehensive statutory scheme is a reasonable solution; and

WHEREAS, the Robert Wood Johnson Foundation provided a grant to the North Dakota End of Life Task Force, which is in part studying end-of-life decisionmaking issues;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the clarity and continuity of end-of-life decisionmaking issues and related laws; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3067.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1041.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1035, HB 1150, HB 1227, HB 1414, HCR 3057.

SENATE AMENDMENTS TO HOUSE BILL NO. 1035

Page 1, line 1, remove "create and enact a new section to chapter 15-38.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to teacher negotiations; and to"

Page 3, remove lines 3 through 16

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1150

Page 8, line 19, replace "March 1," with "December 31, 1999, meets the requirements of subdivision a may obtain a certificate under subdivision a if the individual passes the examination in accordance with board rules before December 31, 2004."

Page 8, remove lines 20 through 23

Page 9, line 7, replace "prohibit" with "permit" and replace "from taking the examination if the candidate does" with "to take the examination if the board is satisfied that the candidate will complete the educational requirements of this section within six months after the candidate's application to take the examination."

Page 9, remove lines 8 and 9

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227

Page 1, line 11, replace "The" with "Every two years the"

Page 1, line 12, replace "six" with "twelve" and replace "most recent period of certification" with "two-year reporting cycle"

Page 1, line 20, replace "six" with "twelve" and replace "annually" with "during every two-year reporting cycle"

Page 1, line 23, after "national" insert "ground" and remove the first "well"

Page 1, line 24, after the second underscored comma insert "the state department of health, the state water commission,"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1414

Page 1, line 9, remove the overstrike over "~~in an amount~~", after "~~to~~" insert "not more than", and remove the overstrike over "~~ten percent of the delinquent installment payment~~"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3057**

Page 1, line 1, replace "directing the Legislative Council to study the" with "urging Congress and the Secretary of Agriculture to reevaluate the feasibility, desirability, and" and replace the third "the" with "requiring states to collect certain outstanding claims of overissued food stamp benefits"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "effectiveness of welfare reform"

Page 1, line 21, remove "and"

Page 1, remove lines 22 through 25

Page 2, line 3, replace "Legislative Council study the" with "Fifty-sixth Legislative Assembly urges the Congress of the United States and the Secretary of Agriculture to reevaluate the feasibility, desirability, and" and replace "the tax offset program of the" with "requiring states to collect certain outstanding claims of overissued food stamp benefits"

Page 2, remove line 4

Page 2, line 5, remove "North Dakota's welfare reform implementation efforts and the effectiveness of welfare reform"

Page 2, line 7, replace "Legislative Council report its findings and" with "Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Agriculture, the chairmen of the Senate and House Agriculture Committees, and to each member of the North Dakota Congressional Delegation"

Page 2, remove line 8

Page 2, line 9, remove "the Fifty-seventh Legislative Assembly"

Renumber accordingly

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 1487.

SENATE AMENDMENTS TO HOUSE BILL NO. 1487

Page 1, line 1, remove "to create and enact a new subsection to section 57-39.2-04 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to a tax exemption for farm machinery parts;"

Page 1, line 4, replace "a tax exemption for" with "the rate of sales and use tax for farm machinery,", after "machinery" insert "repair", after "parts" insert ", and irrigation equipment used exclusively for agricultural purposes", and replace "and" with "to provide an effective date;"

Page 1, line 5, after "date" insert "; and to declare an emergency"

Page 1, line 11, after the second "of" insert "new"

Page 1, line 12, after "and" insert "new"

Page 1, line 15, after the period insert "There is imposed a tax of one and one-half percent upon the gross receipts of retailers from all sales at retail of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of used farm machinery and used irrigation equipment used exclusively for agricultural purposes within this state to consumers or users. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 1, remove lines 16 through 18

Page 1, line 23, after the second "of" insert "new"

Page 1, line 24, after "and" insert "new"

Page 2, line 5, after "of" insert "new" and overstrike ", farm machinery repair"

Page 2, line 6, overstrike "parts," and after "and" insert "new"

Page 2, line 9, after "of" insert "new", overstrike ", farm machinery repair parts,", and after the second "and" insert "new"

Page 2, line 11, after the period insert "An excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of one and one-half percent of the purchase price thereof. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of one and one-half percent of the fair market value of the used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 2, line 12, after the first period insert "**EFFECTIVE DATE -**" and replace "through December 31, 2000" with "for taxable events occurring after April 30, 1999, and before July 1, 2001"

Page 2, after line 13, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

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 2220.

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

MR. SPEAKER: The President has signed: HB 1006, HB 1008, HB 1010, HB 1066, HB 1070, HB 1144, HB 1170, HB 1255, HB 1341.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1275.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing on March 25, 1999: HCR 3027.

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

LANCE HAGEN, Chief Clerk