

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

\* \* \* \* \*

Bismarck, January 15, 2003

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

The prayer was offered by Rev. Rick Loewen, New Bethel Congregational Church, Hazen.

The roll was called and all members were present except Representatives Monson, Nicholas, and Tieman.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journals of the First Day of the Organizational and Orientation Session and of the Fifth Day of the Fifty-eighth Session and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2, line 52, replace "Nichols" with "Nicholas"

Page 101, after line 45, insert:

**"REPORT OF STANDING COMMITTEE**

**HB 1076: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1076 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1093: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1093 was placed on the Eleventh order on the calendar."

Page 109, remove lines 62, 63, 66, and 67

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

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1059 and HB 1094 be adopted, which motion prevailed.

HB 1059 and HB 1094, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. BERG MOVED** that HB 1190 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1190 was rereferred.

**MOTION**

**REP. WEISZ MOVED** that HB 1113, which is on the Eleventh order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Weisz's motion, HB 1113 was rereferred.

**MOTION**

**REP. DEKREY MOVED** that HB 1069 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

**MOTION**

**REP. BELTER MOVED** that HB 1024 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1055:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used in the agricultural property tax valuation formula; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 52 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Boe; Boucher; Delzer; Eckre; Froelich; Glassheim; Guleson; Hanson; Headland; Herbel; Hunskor; Johnson, D.; Kerzman; Kingsbury; Klein, F.; Kreidt; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Warner; Wikenheiser; Williams

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein, M.; Klemm; Koppelman; Martinson; Pollert; Porter; Potter; Price; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Monson; Nicholas; Tieman

HB 1055 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to amend and reenact subsection 6 of section 57-34-01, subsection 2 of section 57-34-03, sections 57-34-04.3 and 57-34-05, and subsection 1 of section 57-34-10 of the North Dakota Century Code, relating to the definition of mobile telecommunications service, refunds to retail customers, refunds to telecommunications carriers, deposit of telecommunications carriers gross receipts tax revenues, and waiver of penalty for failure to report; and to provide a continuing appropriation.

**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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Monson; Nicholas; Tieman

HB 1105 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1106:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 10-06.1-10 and a new section to chapter 65-02 of the North Dakota Century Code, relating to valuation of certain farmland or ranchland acquired by certain nonprofit organizations and valuation of property of the workers compensation bureau; and to amend and reenact sections 57-12-09 and 57-14-07 of the North Dakota Century Code, relating to notice of increased assessment to real estate owners and taxes on escaped real property.

**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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Monson; Nicholas; Tieman

HB 1106 passed and the title was agreed to.

\*\*\*\*\*

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1075, HB 1076, HB 1121, HB 1175.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1093.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2036, SB 2047, SB 2068, SB 2079, SB 2094, SB 2098, SCR 4002.

**FIRST READING OF HOUSE BILLS**

Reps. Kempenich, Thoreson, Weiler and Sen. Wardner introduced:

**HB 1346:** A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees for farm vehicles. Was read the first time and referred to the **Transportation Committee**.

Reps. Boehning, Iverson, Porter and Sens. Brown, J. Lee, Syverson introduced:

**HB 1347:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to importation permits for dogs and cats. Was read the first time and referred to the **Agriculture Committee**.

Reps. M. Klein, Carlson and Sens. Mutch, Urlacher introduced:

**HB 1348:** A BILL for an Act to create and enact a new subsection to section 57-06-02 and a new section to chapter 57-06 of the North Dakota Century Code, relating to property tax exemption for new or expanded capacity electric transmission lines; to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to application of the electric transmission lines mileage tax for cooperatives; and to provide an effective date.

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

Reps. Sandvig, Hanson, Warner and Sens. Christenson, Nelson, Polovitz introduced:

**HB 1349:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employee health insurance coverage for colorectal cancer screening; to amend and reenact section 26.1-36-09.6 of the North Dakota Century Code, relating to health insurance coverage for colorectal cancer screening; and to provide for application.

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

Reps. Delmore, Nelson, Weiler and Sens. Andrist, Bowman, Seymour introduced:

**HB 1350:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to creation of a special operations team reimbursement fund; and to provide a continuing appropriation.

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

Reps. Delmore, Dosch, Hawken and Sens. Cook, Flakoll, Holmberg introduced:

**HB 1351:** A BILL for an Act to create and enact section 19-03.1-22.2 of the North Dakota Century Code, relating to exposure of children or vulnerable adults to controlled substances; and to provide a penalty.

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

Reps. DeKrey, Eckre, Nicholas and Sens. Bowman, Flakoll, Schobinger introduced:

**HB 1352:** A BILL for an Act to create and enact a new section to chapter 19-20.2 and a new section to chapter 32-03 of the North Dakota Century Code, relating to adoption of rules regarding the locking of anhydrous ammonia nursing tanks and immunity for theft of anhydrous ammonia.

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

Reps. Carlisle, Meier, Thoreson and Sens. Dever, Klein, Robinson introduced:

**HB 1353:** A BILL for an Act to create and enact three new subsections to section 19-03.1-01 and two new sections to chapter 19-03.4 of the North Dakota Century Code, relating to the definitions, prima facie proof of intent, and the retail or over-the-counter sale of methamphetamine precursor drugs; to amend and reenact section 19-03.1-01 and subsection 13 of section 19-03.4-01 of the North Dakota Century Code, relating to definitions used in the Uniform Controlled Substance Act and the definition of drug paraphernalia; and to provide a penalty.

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

Reps. DeKrey, Delmore, Warnke and Sens. Christenson, Fischer, Nething introduced:

**HB 1354:** A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to the prohibition of retail over-the-counter sale of certain nonprescription drugs; to amend and reenact subsection 5 of section 19-03.1-23 of the North Dakota Century Code, relating to equivalent offenses; and to provide a penalty.

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

Rep. Clark and Sen. Espesgaard introduced:

**HB 1355:** A BILL for an Act to amend and reenact sections 6-03-13.6, 6-08-29, 7-02-15, and 47-10.2-05 of the North Dakota Century Code, relating to notice of mortgagee payment of interest on escrow account funds and statutory reference correction.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Froelich, Wald introduced:

**HB 1356:** A BILL for an Act relating to the use of funds on behalf of division I designation within the national collegiate athletic association.

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

Reps. Williams, Hanson and Sens. Heitkamp, O'Connell, Thane introduced:

**HB 1357:** A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, and 5-02-06 of the North Dakota Century Code, relating to persons under twenty-one years of age and licensed premises where alcohol beverages are sold.

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

#### **REPORT OF STANDING COMMITTEE**

**HB 1045: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was rereferred to the **Appropriations Committee**.

#### **REPORT OF STANDING COMMITTEE**

**HB 1068: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1070: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1070 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1080: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1081: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1084: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "no longer" and insert immediately thereafter "do not"

Page 1, line 10, replace the first underscored comma with "or", remove ", or omitted", and after "information" insert "or the applicant intentionally withheld material information"

Page 1, line 12, replace "omitted" with "intentionally withheld"

Page 1, line 13, remove "applicant,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1085: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1085 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1091: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1107: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1107 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1125: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1126: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1127: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1165, as amended, Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1165, as amended, was placed on the Sixth order on the calendar.

Page 2, line 8, remove "or without written approval"

Page 2, remove line 9

Page 2, line 10, remove "construction of substance abuse treatment programs"

Page 3, line 2, after the underscored period insert "Within thirty days after service of the written charges, the applicant or licensee may submit to the department a written request for an administrative hearing as provided in chapter 28-32."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1170: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1170 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1183: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3003: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the Sixth order on the calendar.

Page 1, after line 5, insert:

"**WHEREAS**, the consolidation of county human service administration was one of the goals of the "swap" legislation and a review of whether that goal has been fully accomplished is necessary; and"

Renumber accordingly

**MOTION**

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

**MOTION**

**REP. BERG MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 16, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**