

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, March 14, 2003

The House convened at 12:30 p.m., with Speaker Wentz presiding.

The prayer was offered by Lt. Col. Jack Goetz, Salvation Army Division Commander of ND & Minn.

The roll was called and all members were present except Representatives Carlson, DeKrey, Drovdal, Nelson, Solberg, and Warnke.

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 Journal of the Forty Fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 881, line 14 remove the words "as amended"

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 SB 2193, SB 2216, SB 2242, SB 2251, SB 2297, SB 2330, SB 2340 and SB 2363 be adopted, which motion prevailed.

SB 2297 and SB 2363, as amended, were rereferred to the **Appropriations Committee**.

SB 2193, SB 2216, SB 2242, SB 2251, SB 2330 and SB 2340, as amended, were placed on the Fourteenth order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to HB 1100 as printed on HJ page 858, which motion prevailed on a voice vote.

HB 1100, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to amend and reenact sections 54-10-21, 54-11-04, and 54-27-08 of the North Dakota Century Code, relating to the duties of the state auditor.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; 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; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; DeKrey; Drovdal; Nelson; Solberg; Warnke

Engrossed HB 1100 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARAGOS MOVED that the House do concur in the Senate amendments to HB 1143 as printed on HJ page 858, which motion prevailed on a voice vote.

HB 1143, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to create and enact three new sections to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of public health and security system plans; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; 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; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; DeKrey; Drovdal; Nelson; Solberg; Warnke

HB 1143, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1046 as printed on HJ page 792, which motion prevailed on a voice vote.

HB 1046, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code, relating to speed limitations; 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 75 YEAS, 12 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; Ekstrom; Froelich; Froseth; Galvin; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser

NAYS: Bellew; Boe; Boucher; Eckre; Glassheim; Keiser; Monson; Nottestad; Sandvig; Uglem; Williams; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; DeKrey; Drovdal; Grande; Nelson; Solberg; Warnke

HB 1046, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BERG MOVED that the House reconsider its action whereby SB 2385 failed to pass, which motion prevailed on a verification vote.

MOTION

REP. BERG MOVED that SB 2385 be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2385 was rereferred.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to create and enact a new subsection to section 26.1-04-03 and four new sections to chapter 26.1-08 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to amend and reenact subsection 2 of section 26.1-03-17 and sections 26.1-08-01, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-08, 26.1-08-09, 26.1-08-10, 26.1-08-11, 26.1-08-12, 26.1-08-13, and 57-38-30.4 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; and to repeal sections 26.1-08-02, 26.1-08-03, and 26.1-08-04 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleason; 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; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; DeKrey; Drovdal; Nelson; Solberg; Warnke

Engrossed SB 2195, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to prohibit the fraudulent use of retail sales receipts and universal product code labels; and to provide a penalty.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleason; 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; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; DeKrey; Drovdal; Nelson; Solberg; Warnke

SB 2268, as amended, passed and the title was agreed to.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2419.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2072, SB 2118, SB 2168, SB 2173, SB 2190, SB 2215, SB 2220, SB 2252, SB 2359.

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

MR. PRESIDENT: The House has passed unchanged: SB 2063, SB 2107, SB 2109, SB 2138, SB 2169, SB 2177, SB 2185, SB 2204, SB 2231, SB 2267, SB 2269, SB 2272, SB 2287, SB 2318, SB 2332, SB 2383, SCR 4025, SCR 4035.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2227, SB 2303.

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

MR. PRESIDENT: The House has failed to pass: SB 2197.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1081, HB 1093, HB 1145, HB 1270, HB 1276, HB 1355, HCR 3077.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2214.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2099 and SB 2384 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2099: Sens. Tollefson; Syverson; Seymour

SB 2384: Sens. Espeland; Klein; Every

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

MR. SPEAKER: The Senate has failed to pass: HB 1234.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1258.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1031, HB 1071, HB 1083, HB 1090, HB 1146, HB 1185, HB 1191, HB 1193, HB 1259, HB 1267, HB 1338, HB 1374, HB 1457, HB 1481.

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

MR. SPEAKER: The President has signed: HB 1029, HB 1036, HB 1072, HB 1074, HB 1075, HB 1076, HB 1128, HB 1157, HB 1178, HB 1183, HB 1184, HB 1205, HB 1220, HB 1273, HB 1288, HB 1297, HB 1306, HB 1319, HB 1345, HB 1359, HB 1380, HB 1386, HB 1436, HB 1437.

REPORT OF STANDING COMMITTEE

SB 2191: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2207: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2207 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2258, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2258 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2278, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). Engrossed SB 2278 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2320, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "city;"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2362: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2362 was placed on the Fourteenth order on the calendar.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 17, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

