

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, April 2, 2003

The House convened at 8:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Rep. Eliot Glassheim, District 18.

The roll was called and all members were present except Representatives Bellew, Haas, Nicholas, and Porter.

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 Fifty Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1165, line 44 after the period replace "Brown" with "Bowman"

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

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 1, 2003, I have signed the following: HB 1263 and HB 1382.

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1504, SB 2030, SB 2135 and SB 2249 be adopted, which motion prevailed.

HB 1504, as amended, was placed on the Eleventh order of business on the calendar.

SB 2030, SB 2135 and SB 2249, as amended, were placed on the Fourteenth order of business on the calendar.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NELSON MOVED** that the House do not concur in the Senate amendments to HB 1050 as printed on HJ pages 1099-1100 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1050: Reps. Nelson, Norland, Hunsakor.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1079 as printed on HJ pages 1100-1101 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1079: Reps. Meier, Sitte, Solberg.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1245 as printed on HJ page 1106 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1245: Reps. Devlin, Weisz, Sandvig.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1255 as printed on HJ page 1079 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1255: Reps. Dosch, Galvin, Thorpe.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1291 as printed on HJ pages 1144-1146 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1291: Reps. Price, Weisz, Schmidt.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1372 as printed on HJ pages 1145-1146 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1372: Reps. Weisz, Headland, Schmidt.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1469 as printed on HJ page 1108 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1469: Reps. Weisz, Pietsch, Amerman.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do not concur in the Senate amendments to HB 1158 as printed on HJ page 1012 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1158: Reps. Belter, Kreidt, Froelich.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do not concur in the Senate amendments to HB 1486 as printed on HJ page 1012 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1486: Reps. Nicholas, Uglem, Boe.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2149: Reps. Weisz, Headland, Schmidt.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2384: Reps. M. Klein, N. Johnson, Thorpe.

**SECOND READING OF SENATE BILL**

**SB 2322:** A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 and section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting by nonresident students.

**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 77 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleeson; Hawken; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Svedjan; Thoreson; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Belter; Carlson; Delzer; Grande; Hanson; Headland; Klein, M.; Kroeber; Onstad; Pollert; Schmidt; Skarphol; Solberg; Thorpe; Wald

**ABSENT AND NOT VOTING:** Bellew; Haas

SB 2322 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2363:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 and subsection 4 of section 20.1-03-12 of the North Dakota Century Code, relating to deer hunting by nonresidents.

**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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleeson; 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; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser

**NAYS:** Belter; Carlisle; Carlson; Delzer; Grande; Hanson; Skarphol; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas

Engrossed SB 2363, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2182:** A BILL for an Act to amend and reenact section 15.1-27-05 of the North Dakota Century Code, relating to the school district equalization factor.

**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 0 YEAS, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; 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; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch;

Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas

SB 2182 lost.

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#### **SECOND READING OF SENATE BILL**

**SB 2358:** A BILL for an Act to create and enact section 49-16-01.1 of the North Dakota Century Code, relating to indemnity provisions on use of railroad rights of way; to amend and reenact sections 49-16-05, 60-06-06.1, and 60-06-15 of the North Dakota Century Code, relating to prohibition of railroad indemnity agreements in right-of-way leases; to provide for a legislative council study; to provide for application; and to provide an expiration date.

#### **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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Dosch; Meier; Ruby

**ABSENT AND NOT VOTING:** Bellew; Haas

Engrossed SB 2358, as amended, passed and the title was agreed to.

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#### **MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wentz presiding.

#### **SECOND READING OF SENATE BILL**

**SB 2410:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to First Nations Day.

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

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; 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; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas; Norland

SB 2410, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1504:** A BILL for an Act to provide for a legislative council study of the state's business climate; and to provide for an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; 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; Hanson; Hawken; Headland; Herbel; Hunsakor; 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; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas

HB 1504, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce career guidance and job opportunities internet web site.

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

**YEAS:** Aarsvold; Amerman; 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; Hanson; Hawken; Headland; Herbel; Hunsakor; 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; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas; Wrangham

SB 2030, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2135:** A BILL to provide an appropriation for the national board certification of teachers.

### 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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Brusegaard; Carlson

**ABSENT AND NOT VOTING:** Bellew; Haas; Wrangham

Reengrossed SB 2135, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2249:** A BILL for an Act to create and enact a new section to chapter 55-02 of the North Dakota Century Code, relating to protection of historical sites; to amend and reenact section 55-02-07 and subsection 2 of section 55-10-08 of the North Dakota Century Code, relating to the powers of the state historical board; to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application; 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 74 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Froelich; Froseth; Glassheim; Grande; Grosz; Gulleon; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kretschmar; Maragos; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Speaker Wentz

**NAYS:** Amerman; Carlisle; Ekstrom; Galvin; Hanson; Kasper; Kelsch, S.; Kreidt; Kroeber; Martinson; Meier; Metcalf; Sandvig; Solberg; Thorpe; Weiler; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Bellew; Haas

Engrossed SB 2249, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### MOTION

**REP. BOUCHER MOVED** that Engrossed SB 2403, which is on the Seventh order, be referred to the **Government and Veterans Affairs Committee**.

**REP. AMERMAN REQUESTED** a recorded roll call vote, which request was granted.

### ROLL CALL

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsch, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

**NAYS:** Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson;

Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas

The motion to rerefer Engrossed SB 2403 to **Government and Veterans Affairs Committee** failed.

### SEVENTH ORDER OF BUSINESS

#### MOTION

**REP. WINRICH MOVED** that the report of the Minority as printed on HJ page 1151 be substituted for the report of the Majority on Engrossed SB 2403.

#### REQUEST

**REP. WILLIAMS 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 2403, 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 2403, the roll was called and there were 28 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

**NAYS:** Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Bellew; Haas

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2403 failed, therefore, the report of the Majority was adopted.

### SECOND READING OF SENATE BILL

**SB 2403:** A BILL for an Act to create and enact three new sections to chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign contribution statements; and to amend and reenact sections 16.1-07-05, 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, 16.1-08.1-03.7, 16.1-08.1-03.8, 16.1-08.1-04, 16.1-08.1-05, and 16.1-08.1-06 of the North Dakota Century Code, relating to absentee ballot applications and campaign contributions.

#### 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 64 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Bellew; Haas

Engrossed SB 2403, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**HCR 3078:** A concurrent resolution urging Congress to appropriate sufficient funds to reimburse property owners for land inundated by Devils Lake, reimburse the city of Devils Lake for municipal water lines inundated by Devils Lake, and to provide funding for a state outlet from Devils Lake.

**HCR 3079:** A concurrent resolution urging Congress to continue the Schools and Libraries Universal Service Support Mechanism, more commonly known as the e-rate program.

The question being on the final adoption of the resolutions, which have been read.

HCR 3078 and HCR 3079 passed on a voice vote, and the titles were agreed to.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1478.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4040.

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

**MR. SPEAKER:** The President has appointed Sen. Grindberg to replace Sen. Fischer on the Conference Committee on SB 2282.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1047, HB 1264.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1047

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, sections", replace the third comma with "and", and after the fourth comma insert "subdivision h of subsection 1 of section 39-09-02, and sections"

Page 1, line 2, remove the first comma and remove "the fees for"

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma insert "10 and", remove the overstrike over "44", and remove "subsection 10"

Page 4, line 6, after "44-" insert "10." and remove the overstrike over "~~On a highway on which the speed limit is posted in excess of seventy miles~~"

Page 4, remove the overstrike over line 7

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

**"SECTION 3. AMENDMENT.** Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of seventy miles [112.65 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of



section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	4 <u>2</u>
11 - 15	2 <u>4</u>
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

**"SECTION 6. AMENDMENT.** Subdivision h of subsection 1 of section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1264**

Page 1, line 14, remove "a"

Page 1, line 15, replace "licensee to the owners of the licensee who were owners as of January 1," with "business entity licensed as an insurance producer for crop insurance between August 1, 2001, and December 31, 2002."

Page 1, remove line 16

Page 1, line 23, replace "twenty-five" with "fifty"

Renumber accordingly

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1255:** Sens. Espegard; Mutch; Bercier  
**HB 1291:** Sens. Espegard; Nething; Taylor  
**HB 1340:** Sens. Lyson; Traynor; Every  
**HB 1372:** Sens. Nething; Trenbeath; Taylor  
**HB 1391:** Sens. Tollefson; Traynor; Heitkamp  
**HB 1397:** Sens. Mutch; Krebsbach; Every  
**HB 1469:** Sens. Fischer; Brown; Erbele

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1050:** Sens. Fischer; Tollefson; Every  
**HB 1079:** Sens. Cook; G. Lee; Taylor  
**HB 1092:** Sens. Klein; Espegard; Heitkamp  
**HB 1116:** Sens. Nething; Espegard; Heitkamp  
**HB 1158:** Sens. Klein; Erbele; Seymour  
**HB 1223:** Sens. Fischer; Tollefson; Every  
**HB 1236:** Sens. Mutch; Krebsbach; Every  
**HB 1245:** Sens. J. Lee; Erbele; Fairfield

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1088:** Sens. Traynor; Trenbeath; Nelson

**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 2118, SB 2242, SB 2245, SB 2246, SB 2251, SB 2254, SB 2262, and SB 2275.

**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 2296 and SB 2297.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2160 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2160:** Sens. Fischer; Erbele; Fairfield

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2235 and SB 2308 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2235:** Sens. Klein; Mutch; Every

**SB 2308:** Sens. Espegard; Krebsbach; Every

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4018.

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

**MR. SPEAKER:** The President has signed: HB 1243.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2030, SB 2135, SB 2403, SB 2410.

**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 2249.

**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: HCR 3079.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Weiler to replace Rep. Hawken on the Conference Committee on HB 1439.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2358, SB 2363.

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2182.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2322.

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2149:** Reps. Weisz; Headland; Schmidt

**SB 2384:** Reps. M. Klein; N. Johnson; Thorpe

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1050, HB 1079, HB 1158, HB 1245, HB 1255, HB 1291, HB 1372, and HB 1469 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1050:** Reps. Nelson; Norland; Hunsakor

**HB 1079:** Reps. Meier; Sitte; Solberg

**HB 1158:** Reps. Belter; Kreidt; Froelich

**HB 1245:** Reps. Devlin; Weisz; Sandvig  
**HB 1255:** Reps. Dosch; Galvin; Thorpe  
**HB 1291:** Reps. Price; Weisz; Schmidt  
**HB 1372:** Reps. Weisz; Headland; Schmidt  
**HB 1469:** Reps. Weisz; Pietsch; Amerman

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1486 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1486:** Reps. Nicholas; Uglem; Boe

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 2, 2003: HB 1243.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1051, as engrossed:** Your conference committee (Sens. Trenbeath, Traynor, Bercier and Reps. Klemm, Kretschmar, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 818-818, adopt further amendments as follows, and place HB 1051 on the Seventh order:

That the Senate recede from its amendments as printed on page 818 of the House Journal and page 646 of the Senate Journal and that Engrossed House Bill No. 1051 be amended as follows:

Page 1, line 2, remove "the confidentiality of"

Page 1, line 6, overstrike "- Confidential"

Page 1, line 12, after "body" insert "or management" and after "issued" insert "or work ceases on the audit"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1414, as engrossed:** Your conference committee (Sens. Fischer, Erbele, Polovitz and Reps. Devlin, Uglem, Amerman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 675, adopt further amendments as follows, and place HB 1414 on the Seventh order:

That the Senate recede from its amendments as printed on page 858 of the House Journal and page 675 of the Senate Journal and that Engrossed House Bill No. 1414 be amended as follows:

Page 5, line 23, replace "or utilize" with ", in whole or in part,"

Page 6, line 11, after "officer" insert ", within that officer's jurisdiction,"

Renumber accordingly

Engrossed HB 1414 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1438, as engrossed:** Your conference committee (Sens. J. Lee, Brown, Fairfield and Reps. Devlin, Wieland, Niemeier) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 790 and place HB 1438 on the Seventh order.

That the House accede to the Senate amendments as printed on pages 951 and 952 of the House Journal and pages 778-780 of the Senate Journal and that Engrossed House Bill No. 1438 be further amended as follows:

Page 12, line 11, replace "from which" with "relating to"

Page 12, line 12, remove "may be identified"

Renumber accordingly

Engrossed HB 1438 was placed on the Seventh order of business on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2103, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a"

Page 1, line 3, remove "continuing appropriation"

Page 1, line 7, remove "- Continuing appropriation"

Page 1, line 15, replace "are appropriated as a continuing appropriation" with "may be spent pursuant to legislative appropriations"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 125 - Attorney General - House Action**

This amendment removes the continuing appropriation.

**REPORT OF STANDING COMMITTEE**

**SB 2311, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2311 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1042 and 1043 of the House Journal, Reengrossed Senate Bill No. 2311 is amended as follows:

Page 1, remove lines 10 and 11

Page 2, line 16, remove "- Governor to appoint"

Page 2, line 17, replace "governor shall appoint an oil and gas research council composed of nine" with "oil and gas research council is composed of seven members, four of whom must currently be engaged in and have at least five years of active experience in the oil and natural gas exploration and production industry. The council consists of:

- a. Four members appointed by the governor from a list provided by the North Dakota oil and gas association. The governor may reject the list and request the association to submit a new list until the appointments are made.
- b. One member appointed by the governor from a list provided by the North Dakota association of oil and gas producing counties. The governor may reject the list and request the association to submit a new list until the appointment is made.
- c. The executive director of the North Dakota petroleum council, or the executive director's designee.
- d. A county commissioner from an oil-producing county appointed by the governor.
- e. The director of the oil and gas division and the state geologist shall serve on the council as advisory nonvoting members."

Page 2, remove lines 18 through 21

Page 2, line 23, replace the first "three" with "two" and replace the second "three" with "two"

Page 2, line 29, replace "Six" with "Four"

Page 3, line 5, replace "A member" with "Members" and replace "serves" with "appointed by the governor serve"

Page 4, line 12, replace "if the estimates for the oil and gas gross production tax and the oil" with "the first fifty thousand dollars of revenue from the state's share of the oil and gas production tax and oil extraction tax"

Page 4, remove line 13

Page 4, line 14, remove "hundred fifty-nine dollars, the excess, up to four thousand nine hundred dollars,"

Page 4, line 15, replace "as provided in this" with a period

Page 4, replace lines 16 through 22 with "In the 2003-05 biennium, if actual revenues for the 2001-03 biennium from the state general fund share of the oil and gas production tax and oil extraction tax exceeded seventy-one million sixty-four thousand dollars, the excess up to five hundred thousand dollars must be deposited in a special fund known as the oil and gas research fund, as provided in this section."

Page 4, line 23, remove "thousand six hundred fifty-nine dollars or less, transfers to the fund shall cease."

Page 4, line 24, replace "three" with "one"

Page 4, line 25, replace "two million" with "six hundred fifty thousand"

Page 4, line 27, replace "three" with "one"

Renumber accordingly

#### **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, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, April 3, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

