

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, March 11, 2005

The House convened at 12:00 p.m., with Speaker Klein presiding.

The prayer was offered by Pastor Tom Potter, First Presbyterian Church, Red Lake Falls, MN.

The roll was called and all members were present except Representatives Boe, Froseth, R. Kelsch, Nicholas, Solberg, Thorpe, Uglem, Wald, and Williams.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 918, line 50, replace "22" with "21"

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

## COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 9, 2005, I have signed the following: HB 1498.

## SIXTH ORDER OF BUSINESS

**SPEAKER KLEIN DEEMED** approval of HB 1523 SB 2050, SB 2059, SB 2073, SB 2157, SB 2181, SB 2246, SB 2323, SB 2325, SB 2353, SB 2359, SB 2362, SB 2393 and SCR 4021.

SB 2059, SB 2157 and SB 2323, as amended, were rereferred to the **Appropriations Committee**.

HB 1523, as amended, was placed on the Eleventh order of business on the calendar.

SB 2050, SB 2073, SB 2181, SB 2246, SB 2325, SB 2353, SB 2359, SB 2362, SB 2393 and SCR 4021, as amended, were placed on the Fourteenth order of business on the calendar.

## SIXTH ORDER OF BUSINESS

**SB 2298: REP. KREIDT (Human Services Committee) MOVED** that the amendments on HJ page 976 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

## MOTION

**REP. MONSON MOVED** that the rules be suspended and that SB 2298, as amended, be placed on the Fourteenth order for immediate second reading, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2298:** A BILL for an Act to provide for bone marrow donor education and leave of absence for state employees donating an organ or bone marrow.

## 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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt;

Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boe; Froseth; Kelsch, R.; Nicholas; Solberg; Thorpe; Uglem; Wald; Williams

SB 2298, as amended, passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that SB 2120, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2120 was rereferred.

#### MOTION

**REP. MONSON MOVED** that SB 2370, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2370 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2125:** A BILL for an Act to create and enact a new section to chapter 12-59 of the North Dakota Century Code, relating to establishment and modification of parole expiration dates.

#### 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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boe; Froseth; Kelsch, R.; Nicholas; Solberg; Thorpe; Uglem; Wald; Williams

Engrossed SB 2125 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2232:** A BILL for an Act to create and enact section 32-19-06.2 of the North Dakota Century Code, relating to deficiency judgments on agricultural land; to amend and reenact sections 28-23-04, 28-24-02, 32-19-01, 32-19-03, 32-19-04, 32-19-06, 32-19-06.1, 32-19-07, 32-19-08, 32-19-09, 32-19-10, 32-19-11, 32-19-18, 32-19-20, 32-19-21, 32-19-22, 32-19-23, 32-19-24, 32-19-25, 32-19-26, 32-19-28, 32-19-29, 32-19-37, 32-19-38, 32-19-39, 32-19-40, and 32-19-41 and subdivision a of subsection 1 of section 35-03-09 of the North Dakota Century Code, relating to foreclosure of a mortgage; and to repeal sections 32-19-05, 32-19-12, 32-19-13, 32-19-14, 32-19-15, 32-19-16, 32-19-17, 32-19-30, 32-19-31, 32-19-32, 32-19-33, and 32-19-34 and chapter 32-19.1 of the North Dakota Century Code, relating to foreclosure of a mortgage.

#### 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 81 YEAS, 4 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.;

Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wall; Weiler; Wieland; Wrangham; Zaiser; Speaker Klein

**NAYS:** Brusegaard; Delzer; Froelich; Weisz

**ABSENT AND NOT VOTING:** Boe; Froseth; Kelsch, R.; Nicholas; Solberg; Thorpe; Uglem; Wald; Williams

Engrossed SB 2232 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2248:** A BILL for an Act to amend and reenact subsection 1 of section 4-41-02, sections 12-60-16.6, 12-60-16.9, 12-60-24, and 15.1-13-14, subsection 1 of section 15.1-13-20, section 15.1-13-23, subsection 4 of section 43-17-07.1, and sections 43-30-06, 50-11.1-06.2, and 54-59-20 of the North Dakota Century Code, relating to criminal history record checks; 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 84 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

**NAYS:** Price

**ABSENT AND NOT VOTING:** Boe; Froseth; Kelsch, R.; Nicholas; Solberg; Thorpe; Uglem; Wald; Williams

Reengrossed SB 2248 passed, the title was agreed to, and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1188, HB 1200.

### SENATE AMENDMENTS TO HOUSE BILL NO. 1188

Page 1, line 1, remove "subsection to" and replace "28-01-18" with "to chapter 28-01"

Page 1, line 2, replace "two-year" with "four-year"

Page 1, line 5, remove "subsection to" and replace "28-01-18" with "to chapter 28-01"

Page 1, line 6, after the colon insert:

**"Action having four-year limitation."**

Page 1, line 8, after "transaction" insert "must be commenced within four years after the claim for relief has accrued"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1200**

Page 3, line 6, after "to" insert "a board-approved" and remove the overstrike over "~~medical~~"

Page 3, line 7, remove "a health care" and remove "health system."

Page 3, after line 13, insert:

"10. For any unlicensed person to direct or interfere with a licensed dentist's judgment concerning the practice of dentistry."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1036, HB 1504.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1213.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1057, HB 1159, HB 1179, HB 1194, HB 1240, HB 1268, HB 1278, HB 1336, HB 1506.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2036.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2212, SB 2249, SB 2257, SB 2275, SB 2354, SB 2363, SCR 4019, SCR 4024.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2117, SB 2187, SB 2219, SB 2220, SB 2338.

**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 2251, SB 2293, SB 2294.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2221, SB 2243, SB 2314, SB 2321.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2250, SB 2273.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 14, 2005, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4012:** A concurrent resolution for the amendment of section 16 of article XI of the Constitution of North Dakota, relating to the definition of this state's militia; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

**SCR 4037:** A concurrent resolution directing the Legislative Council to study the laws pertaining to fences located outside the corporate limits of the state's cities and the relevancy of those laws in the 21st century.

Was read the first time and referred to the **Political Subdivisions Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2049: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2049 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2099, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2099 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4023: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4023 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4026: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**

