

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, February 28, 2005

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

The prayer was offered by Pastor Marion "Bud" Sechler, Church of the Brethren, Cando.

The roll was called and all members were present except Representatives Bernstein, Hunsakor, R. Kelsch, Kerzman, and Sandvig.

A quorum was declared by the Speaker.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to create and enact a new section to chapter 60-02.1 of the North Dakota Century Code, relating to licensing of roving grain buyers; to amend and reenact sections 60-02.1-07 and 60-02.1-17 of the North Dakota Century Code, relating to licensing and monthly reports of grain buyers; and to repeal section 60-02.1-24 of the North Dakota Century Code, relating to notification to the public service commission of the destruction of a facility operated by a facility-based grain buyer.

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

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

ABSENT AND NOT VOTING: Bernstein; Hunsakor; Kelsch, R.; Kerzman; Sandvig; Uglen

SB 2136 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact section 37-15-10 of the North Dakota Century Code, relating to admission requirements for veterans at the veterans' home.

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 85 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Monson; Pollert; Skarphol

ABSENT AND NOT VOTING: Bernstein; Hunskor; Kelsch, R.; Kerzman; Sandvig

SB 2128 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to create and enact two new sections to chapter 37-18 of the North Dakota Century Code, relating to funding and veterans' records; to amend and reenact sections 37-14-18 and 37-18-04 of the North Dakota Century Code, relating to supervision of county veterans' service officers and duties of the commissioner of veterans' affairs; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bernstein; Boe; Boucher; Hunskor; Kelsch, R.; Kerzman; Sandvig

SB 2218 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to amend and reenact section 52-02-18 of the North Dakota Century Code, relating to performance audits of job service 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 79 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Delmore; Froelich; Guleson; Metcalf; Schmidt; Solberg; Timm

ABSENT AND NOT VOTING: Bernstein; Boe; Boucher; Hunskor; Kelsch, R.; Kerzman; Sandvig

Engrossed SB 2085 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact section 52-08-13 of the North Dakota Century Code, relating to charging of fees for services; and to provide a continuing 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 79 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Delzer; Kempenich; Pollert; Skarphol; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Bernstein; Boe; Boucher; Hunskor; Kelsch, R.; Kerzman; Sandvig

Engrossed SB 2086 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact subsection 1 of section 49-21-04 of the North Dakota Century Code, relating to filing essential services price schedules by telecommunications companies.

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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bernstein; Boe; Boucher; Hunskor; Kaldor; Kelsch, R.; Kerzman; Sandvig

SB 2091 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 unchanged: SB 2043, SB 2095, SB 2110, SB 2114, SB 2142, SB 2173.

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 1037, HB 1077, HB 1079, HB 1085.

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 1087, HB 1088, HB 1090, HB 1114, HB 1147.

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 1053, HB 1059, HB 1082, HB 1132, HB 1133, HB 1150, HB 1158, HB 1160, HB 1192, HB 1212, HB 1219, HB 1226, HB 1228, HB 1267, HB 1436.

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 1146.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1066, HB 1068, HB 1081, HB 1083, HB 1084, HB 1093, HB 1100, HB 1102, HB 1117, HB 1128, HB 1137, HB 1162, HB 1180, HB 1237, HB 1264, HB 1355, HCR 3020.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1412.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1064.

SENATE AMENDMENTS TO HOUSE BILL NO. 1064

Page 1, line 19, replace "may" with "shall"

Page 1, line 20, remove "if the court finds that the position of the defendant was without merit or was"

Page 1, line 21, remove "otherwise not justified"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1387.

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., Tuesday, March 1, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3044: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2057: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2057 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2058: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2058 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2065: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (8 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). SB 2065 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2088: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2088 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2093 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2124: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2140 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2154, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2154 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2165: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2176, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2176 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2185: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2276 was placed on the Fourteenth order on the calendar.

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

Bradley C. Fay, Chief Clerk

