

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, January 12, 2001

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

The prayer was offered by Father Marvin Klemmer, Church of the Ascension, Bismarck.

The roll was called and all members were present except Representative Kempenich.

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 THIRD Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved

PAGE 84, line 4l delete "and"

Page 84, line 42 delete "BE PLACED ON THE CONSENT CALENDAR"

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

**MOTION**

**REP. R. KELSCH MOVED** that HB 1073, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, HB 1073 was rereferred.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1082 be adopted, which motion prevailed.

HB 1082, as amended, was placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. M. KLEIN MOVED** that HB 1097 be returned to the House Floor for the purpose of withdrawal, which motion prevailed.

**REP. M. KLEIN REQUESTED** unanimous consent that HB 1097 be withdrawn, which motion prevailed.

**MOTION**

**REP. BELTER MOVED** that HCR 3004, which is on the Tenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

HCR 3005: A concurrent resolution directing the Legislative Council to study the fees and point demerits for traffic offenses.

HCR 3005, was declared adopted on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1082:** A BILL for an Act to amend and reenact subsection 4 of section 6-01-07.1 of the North Dakota Century Code, relating to information sharing agreements between the department of banking and financial institutions and other state agencies.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Kempenich

HB 1082, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1081:** A BILL for an Act to amend and reenact section 13-04.1-02 of the North Dakota Century Code, relating to money broker licenses.

### 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 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Drovdal

**ABSENT AND NOT VOTING:** Kempenich

HB 1081 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1147:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 and subsection 4 of section 54-06-09 of the North Dakota Century Code, relating to use of personal motor vehicles by state employees.

### 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 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Byerly; Carlson; Froseth; Grande; Lloyd; Skarphol

**ABSENT AND NOT VOTING:** Kempenich

HB 1147 passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 15, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1050: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1079: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1095: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1095 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3003: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE BILLS**

Reps. Delmore, Hawken, Jensen, Mahoney, Pollert and Sen. Stenehjem introduced:

**HB 1220:** A BILL for an Act to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to restricted operators' licenses for minors. Was read the first time and referred to the **Transportation Committee**.

Reps. Severson, Brandenburg, Devlin, Disrud and Sens. Kroeplin, Wanzek introduced:

**HB 1221:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 57-39.2-04.2 and subdivision b of subsection 1 of section 57-40.2-04.2 of the North Dakota Century Code, relating to sales and use tax exemptions for certain wind-powered electrical generating facilities; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Brandenburg, Huether, Severson, Wikenheiser and Sens. Erbele, Wanzek introduced:

**HB 1222:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reduction in taxable valuation of wind turbine electric generators that are centrally assessed property; to amend and reenact section 57-02-27 of the North Dakota Century Code, relating to determination of taxable valuation of property; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Brandenburg, Devlin, Kretschmar, Severson and Sens. Klein, Kroeplin introduced:

**HB 1223:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-01.8 of the North Dakota Century Code, relating to application of the income tax credit for geothermal, solar, or wind energy devices on leased property; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Porter, Kasper, R. Kelsch, Nelson, Weisz and Sen. Fischer introduced:

**HB 1224:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to the credit for long-term care insurance premiums on the short-form income tax return; and to provide an effective date. Was read the first time and referred to the **Education Committee**.

Reps. Grosz, Kasper, Tieman introduced:

**HB 1225:** A BILL for an Act to amend and reenact section 15-38-18.2 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-14 of the North Dakota Century Code, relating to background checks for teacher licensure applicants.

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

Reps. Porter, Devlin, Keiser, Svedjan and Sens. Cook, Stenehjem introduced:

**HB 1226:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to providing basic health insurance coverage for individuals and small employers.

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

Reps. Froseth, M. Klein, Skarphol and Sen. Andrist introduced:

**HB 1227:** A BILL for an Act to amend and reenact subsection 1 of section 43-09-01, sections 43-09-02, 43-09-13.1, 43-09-16, and 43-09-18, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to professional licensure requirements for electricians and state electrical board membership.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Grande, Devlin, Koppelman and Sens. Andrist, Stenehjem introduced:

**HB 1228:** A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to authority of the administrative rules committee to call up existing administrative rules for review; to amend and reenact subsection 1 of section 28-32-03.3 of the North Dakota Century Code or in the alternative to amend and reenact subsection 1 of section 28-32-18 of the North Dakota Century Code, relating to authority of the administrative rules committee to void or suspend administrative rules; and to provide an effective date.

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

Reps. Nottestad, Grumbo, Hawken and Sen. Wardner introduced:

**HB 1229:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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

Reps. Eckre, Berg, Mahoney and Sens. Klein, Kringstad, T. Mathern introduced:

**HB 1230:** A BILL for an Act to amend and reenact section 52-01-02 of the North Dakota Century Code, relating to unemployment compensation reporting requirements of employers.

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

Reps. Weisz, Brusegaard, DeKrey, Devlin and Sens. Fischer, Klein introduced:

**HB 1231:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to voting on property tax measures by property owners who are not residents of the taxing district.

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

Reps. Devlin, Price, Weisz and Sens. Fischer, Kilzer, Lee introduced:

**HB 1232:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 14-02.1-03.1, subsection 9 of section 14-02.5-01, subdivision a of subsection 1 of section 14-03-17, sections 14-04-04, 14-05-22, 14-05-23, 14-05-25, and 14-06-02, subsection 4 of section 14-07-15, subsection 4 of section 14-07.1-02, section 14-07.1-02.1, subsection 2 of section 14-07.1-03, sections 14-07.1-05.1, 14-09-04, 14-09-05, 14-09-06, 14-09-06.1, 14-09-06.2, 14-09-06.3, 14-09-06.4, 14-09-06.6, 14-09-07, and 14-09-08.12, subsection 1 of section 14-09-08.18, sections 14-09-24, 14-09-28, 14-09.1-01, 14-09.1-02, 14-09.1-06, 14-09.1-08, and 14-10-05, subsection 1 of section 14-15.1-02, subsection 3 of section 14-17-14, section 14-17-17, subsection 1 of section 14-17-24, subdivision a of subsection 2 of section 15-10-19.1, section 27-05-29, subdivision f of subsection 1 of section 27-05.2-03, subsection 3 of section 32-28-02, and subdivision h of subsection 1 of section 50-09-08.2 of the North Dakota Century Code, relating to the use of the terms custody, visitation, custodial parent, and noncustodial parent.

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

Reps. DeKrey, Weisz and Sens. Fischer, D. Mathern introduced:

**HB 1233:** A BILL for an Act to amend and reenact section 23-12-14 of the North Dakota Century Code, relating to copies of medical records.

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

Rep. DeKrey introduced:

**HB 1234:** A BILL for an Act to amend and reenact section 23-12-14 of the North Dakota Century Code, relating to consent to release of medical records.

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

Reps. Hawken, R. Kelsch, L. Thoreson and Sen. Cook introduced:

**HB 1235:** A BILL for an Act to amend and reenact subsection 1 of section 15-40.1-16 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-26 of the North Dakota Century Code, relating to school district transportation payments.

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

Rep. Hawken and Sens. Flakoll, Grindberg introduced:

**HB 1236:** A BILL for an Act to amend and reenact sections 15.1-09-02 and 15.1-09-27 and subsection 1 of section 15.1-09-30 of the North Dakota Century Code, relating to terms of Fargo board of education members; and to declare an emergency.

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

Reps. Devlin, DeKrey, Wald and Sens. Andrist, Fischer introduced:

**HB 1237:** A BILL for an Act to create and enact a new subsection to section 53-06.1-06 of the North Dakota Century Code, relating to the use of electronic devices for playing games of chance.

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

Reps. Nottestad, Brekke, Carlson and Sen. Espgaard introduced:

**HB 1238:** A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to use of out-of-state vendors by county auditors to sell fishing licenses and appointment of agents to sell game and fish licenses.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Carlisle, Kempenich, B. Thoreson, Weiler and Sens. Klein, Stenehjem introduced:

**HB 1239:** A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-09-02 of the North Dakota Century Code, relating to the fees for violating school zone speed limits.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Belter, Herbel and Sens. Fischer, Trenbeath introduced:

**HCR 3007:** A concurrent resolution directing the Legislative Council to study the establishment of regional water entities to manage water based on regional or watershed boundaries.

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

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

**MARK L. JOHNSON, Chief Clerk**

