

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, January 14, 2003

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

The prayer was offered by Pastor Konrad Ziesing, River of Life Assembly of God, Minot.

The roll was called and all members were present except Representatives Bernstein and Monson.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1113 be adopted, which motion prevailed.

HB 1113, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. R. Kelsch, Carlisle, Delmore, Haas, Hanson and Sen. Kringstad introduced:

**HCR 3007:** A concurrent resolution designating House and Senate employment positions and fixing compensation.

Was read the first time.

## MOTION

**REP. BERG MOVED** that the rules be suspended, that HCR 3007 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. R. Kelsch, Carlisle, Delmore, Haas, Hanson and Sen. Kringstad introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3007

A concurrent resolution designating House and Senate employment positions and fixing compensation.

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That for the Fifty-eighth Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the wages indicated:

HOUSE		
Chief Clerk		\$114
Assistant chief clerk		100
Journal reporter		111
Calendar clerk		100
Bill clerk		95
Sergeant-at-arms		88
Administrative assistant to majority leader		104
Staff assistant to majority leader		88
Administrative assistant to minority leader		104
Staff assistant to minority leader		88
Administrative assistant to Speaker		88
Chief committee clerk		104
Appropriations Committee clerk		104
Assistant Appropriations Committee clerk		100
Committee clerk for three-day committee		100
Committee clerk for two-day committee		92
Assistant committee clerk		82
Deputy sergeant-at-arms		73
Chief page and bill book clerk		81
Legislative assistant		68
SENATE		
Secretary of the Senate		\$114
Assistant secretary of the Senate		100
Journal reporter		111

Calendar clerk	100
Bill clerk	95
Sergeant-at-arms	88
Administrative assistant to majority leader	104
Staff assistant to majority leader	88
Administrative assistant to minority leader	104
Staff assistant to minority leader	88
Chief committee clerk	104
Appropriations Committee clerk	104
Assistant Appropriations Committee clerk	100
Committee clerk for three-day committee	100
Committee clerk for two-day committee	92
Assistant committee clerk	82
Payroll clerk	84
Deputy sergeant-at-arms	73
Chief page and bill book clerk	81
Legislative assistant	68

**BE IT FURTHER RESOLVED**, that each employee of the Fifty-eighth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

**BE IT FURTHER RESOLVED**, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

**BE IT FURTHER RESOLVED**, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

**BE IT FURTHER RESOLVED**, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

**BE IT FURTHER RESOLVED**, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3007:** A concurrent resolution designating House and Senate employment positions and fixing compensation.

#### **ROLL CALL**

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; 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; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson

HCR 3007 was declared adopted on a recorded roll call vote.

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#### **REPORT OF PROCEDURAL COMMITTEE**

**MADAM SPEAKER:** Your procedural **Employment Committee (Rep. R. Kelsch, Chairman)**

**2003 HOUSE EMPLOYEES:**

	<u>Chief Clerk</u>	
Brad Fay		Bismarck
	<u>Journal Reporter</u>	
Judy Hoffman		Bismarck
	<u>Assistant Chief Clerk</u>	
Gary Yantzer		Bismarck
	<u>Sergeant-at-Arms</u>	
Jerry Moszer		Bismarck
	<u>Bill Clerk</u>	
Carl Strum		Beach
	<u>Calendar Clerk</u>	
Buell Reich		Bismarck
	<u>Administrative Assistant to Majority Leader</u>	
Lorrie Giese		Bismarck
	<u>Administrative Assistant to Speaker</u>	
Rachael Disrud		Fargo
	<u>Staff Assistant to Majority Leader</u>	
Tom Nelson		Casselton
	<u>Administrative Assistant to Minority Leader</u>	
Carol Siegert		Hunter
	<u>Staff Assistant to Minority Leader</u>	
Natalie Lindquist		Bismarck
Pat Heidt		Bismarck
	<u>Chief Committee Clerk</u>	
Pam Dever		Bismarck
	<u>Appropriations Committee Clerk</u>	
Chris Nyhus		Jamestown
	<u>Assistant Appropriations Committee Clerks</u>	
Celeste Keller		Bismarck
Cecily Cook		Bismarck
Kelly Schmidt		Mandan
	<u>Committee Clerks</u>	
Sharon Renfrow		Bismarck
Linda Fiechtner		Lincoln
Judith Hammer		Bismarck
Janice Stein		Mandan
Dawn Penrose		Bismarck
Eric Moen		Fargo
Mickie Schmidt		Mandan
Edward Ellefson		Bismarck
Vern Zink		Bismarck
Jody Reinke		Center
	<u>Assistant Committee Clerk</u>	
Elizabeth Leier		Kintyre
	<u>Deputy Sergeant-at-Arms</u>	
Peggy Puetz		Bismarck
	<u>Assistant Sergeant-at-Arms</u>	
Pete Schafer		Bismarck
John Clement		Bismarck
Bernie Meyer		Mandan
	<u>Chief Page and Bill Room Clerk</u>	
Karen Karls		Bismarck
	<u>Legislative Assistant/Desk Page</u>	
Mary Sahli		Bismarck
	<u>Legislative Assistants/Page and Bill Book Clerks</u>	
Steven Alt		New Leipzig
Jeanne Bailey		Bismarck
Jason Skager		Center
Brenda Huff		Bismarck
Dan Schulz		Bismarck
	<u>Payroll Clerk</u>	
Georgia Clement		Bismarck
	<u>Information Desk Attendant</u>	
Peg Iszler		Bismarck
	<u>Parking Lot Attendant</u>	
Dan Brynjolfson		Bismarck

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

**SECOND READING OF HOUSE BILL**

**HB 1075:** A BILL for an Act to amend and reenact section 54-44.6-01 of the North Dakota Century Code, relating to the statewide forms management program.

**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; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; 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; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson

HB 1075, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1121:** A BILL for an Act to amend and reenact section 23-09-02 of the North Dakota Century Code, relating to enforcement of food and lodging regulations.

**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; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; 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; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson

HB 1121, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1053:** A BILL for an Act to amend and reenact section 49-21-22.2 of the North Dakota Century Code, relating to the regulatory reform review commission; and to provide an expiration date.

**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 1 YEA, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Maragos

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; Martinson; Meier; Metcalf; 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; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson; Weisz

HB 1053 lost.

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### SECOND READING OF HOUSE BILL

**HB 1076:** A BILL for an Act to amend and reenact section 54-44.1-07 of the North Dakota Century Code, relating to the date by which appropriation and budget-related legislation must be submitted to the legislative council.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; 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; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson

HB 1076 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1093:** A BILL for an Act to amend and reenact sections 54-06-30 and 54-06-31 of the North Dakota Century Code, relating to state employee bonus programs for performance and recruitment and retention programs; to provide an effective date; and to declare an emergency.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; 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; Acting Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Monson

HB 1093 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1175:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 23-07-07.5 and section 23-07.7-01 of the North Dakota Century Code, relating to sexual offenses; and to repeal section 12.1-20-10 of the North Dakota Century Code, relating to unlawful cohabitation.

**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 60 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Clark; DeKrey; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Glassheim; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Hunskor; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemm; Kreidt; Kroeber; Maragos; Martinson; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Wieland; Williams; Winrich; Zaiser; Acting Speaker Wentz

**NAYS:** Bellew; Belter; Carlisle; Carlson; Delzer; Dosch; Froseth; Galvin; Grande; Herbel; Iverson; Johnson, D.; Kasper; Kempenich; Kerzman; Klein, F.; Klein, M.; Koppelman; Kretschmar; Meier; Rennerfeldt; Ruby; Sitte; Skarphol; Solberg; Thoreson; Wald; Warnke; Weiler; Weisz; Wikenheiser; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Monson

HB 1175 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that HB 1144 be returned to the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1268 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1268 was rereferred.

**FIRST READING OF HOUSE BILLS**

Reps. Thoreson, Carlisle, Iverson and Sens. Mathern, Schobinger introduced:

**HB 1338:** A BILL for an Act to amend and reenact sections 57-23-08, 57-23-09, and 57-55-12 of the North Dakota Century Code, relating to refund of penalties and interest on any abated property taxes or mobile home taxes.

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

Reps. Kempenich, Wald and Sens. Dever, Erbele introduced:

**HB 1339:** A BILL for an Act to establish an electricity transmission constraint resolution board. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Kempenich, Drovdal, Wikenheiser and Sen. Erbele introduced:

**HB 1340:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to termination of wind energy development leases; and to amend and reenact sections 47-16-36 and 47-16-38 of the North Dakota Century Code, relating to termination of leases.

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

Reps. Skarphol, Rennerfeldt, Wald and Sens. Lyson, Wardner introduced:

**HB 1341:** A BILL for an Act to amend and reenact sections 15-05-10 and 38-09-18 of the North Dakota Century Code, relating to royalty exemptions for oil and gas produced on public lands.

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

Reps. Schmidt, Amerman, Delmore, Potter and Sen. Tallackson introduced:

**HB 1342:** A BILL for an Act to amend and reenact section 57-38-34.3 of the North Dakota Century Code, relating to replacing optional contributions to the nongame wildlife fund on income tax forms with optional contributions to the silver-haired education association; to provide a continuing appropriation; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Hanson, Porter and Sen. Fischer introduced:

**HB 1343:** A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to unlawfully taking big game animals; and to provide a penalty. Was read the first time and referred to the **Natural Resources Committee**.

Reps. Hanson, Carlson, Porter and Sen. Fischer introduced:

**HB 1344:** A BILL for an Act to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to the importation and release of game birds. Was read the first time and referred to the **Natural Resources Committee**.

Reps. Carlson, Delmore, Maragos and Sens. Dever, J. Lee, Wardner introduced:

**HB 1345:** A BILL for an Act to create and enact a new subsection to section 54-21.3-03 of the North Dakota Century Code, relating to the state building code. Was read the first time and referred to the **Industry, Business and Labor Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1024: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1024 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1055: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1094, as amended, Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1094, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 23-17.5-12"

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

Page 1, line 3, remove "continuing appropriation"

Page 2, remove lines 1 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1105: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1105 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1106: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1059: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1059 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 1-08-09 of the North Dakota Century Code, relating to the service of process on election day.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 1-08-09 of the North Dakota Century Code is amended and reenacted as follows:

**1-08-09. ~~No~~ Service of civil process ~~served~~ on election day.** During the day on which any general or special election ~~shall be~~ is held in this state, or in any district, county, city, or precinct ~~therein,~~ no civil process may not be served on any person

entitled to vote at ~~such~~ the election within one hundred feet [30.48 meters] from any entrance leading into a polling place."

Renumber accordingly

**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 3007.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2056, SB 2066, SB 2091, SB 2099, SB 2104, SB 2108.

**MOTION**

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

**MOTION**

**REP. BERG MOVED** that the House be on the Fifth, Eighth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, January 15, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**