

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, February 14, 2003

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

The prayer was offered by Rev. Maury Millican, Bismarck Community Church.

The roll was called and all members were present except Representatives Belter, DeKrey, Froelich, R. Kelsch, Nicholas, and Wentz.

A quorum was declared by the Speaker.

MOTION

REP. BERG MOVED that HB 1281, HB 1451, HB 1329 and HB 1472 be laid over one legislative day, and HB 1038 be laid over two legislative days, which motion prevailed.

MOTION

REP. BERG MOVED that Engrossed HB 1362 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed HB 1362 was rereferred.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1044, HB 1179, HB 1224, HB 1234, HB 1257, HB 1260, HB 1301, HB 1324, HB 1332, HB 1340, HB 1354, HB 1371, HB 1388, HB 1426, HB 1431, HB 1434, HB 1469, HB 1477, HB 1500 and HB 1501 be adopted, which motion prevailed.

HB 1044, HB 1179, HB 1224, HB 1234, HB 1257, HB 1260, HB 1301, HB 1324, HB 1332, HB 1340, HB 1354, HB 1371, HB 1388, HB 1426, HB 1431, HB 1434, HB 1469, HB 1477, HB 1500 and HB 1501, as amended, were placed on the Eleventh order of business on the calendar.

SIXTH ORDER OF BUSINESS

HB 1088, as engrossed: REP. KLEMIN (Appropriations Committee) MOVED that the amendments be adopted with **DO NOT PASS**, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to create and enact three new sections to chapter 27-05.2 of the North Dakota Century Code, relating to establishment of a court facilities improvement and maintenance fund and court facilities improvement advisory committee; to amend and reenact section 27-05.2-03 of the North Dakota Century Code, relating to fees charged by the clerk of the district court; 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 67 YEAS, 22 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Devlin; Dosch; Eckre; Froseth; Galvin; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kempenich; Kreidt; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; 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; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Acting Speaker Maragos

NAYS: Bernstein; Delmore; Delzer; Drovdal; Ekstrom; Glassheim; Grande; Grosz; Kasper; Keiser; Kelsch, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kretschmar; Nelson; Niemeier; Weiler; Wrangham

ABSENT AND NOT VOTING: Belter; Froelich; Kelsch, R.; Nicholas; Wentz

Reengrossed HB 1088 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1425 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to create and enact a new subdivision to subsection 31 of section 52-01-01 and a new subdivision to subsection 2 of section 52-04-07 of the North Dakota Century Code, relating to the definition of wages and to payment of unemployment compensation benefits; to amend and reenact section 52-01-02, subdivision b of subsection 2 of section 52-04-07, sections 52-04-09 and 52-04-10, subsection 8 of section 52-06-02, and subdivision d of subsection 2 of section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation records and payment of and eligibility for unemployment compensation benefits; and to provide a penalty.

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

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glasheim; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; 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 Maragos

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1096 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact section 47-16-07.1 of the North Dakota Century Code, relating to security deposits for the lease of real property or a dwelling.

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 82 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glasheim; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Acting Speaker Maragos

NAYS: Carlson; Delzer; Timm; Weiler; Wrangham

ABSENT AND NOT VOTING: Belter; Boucher; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 32-03.2-02.1 of the North Dakota Century Code, relating to automobile accident damage liability.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; 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 Maragos

ABSENT AND NOT VOTING: Belter; Boucher; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Reengrossed HB 1263 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1287: A BILL for an Act to limit the disclosure of information by consumer reporting agencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 87 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; 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 Maragos

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Meier; Nicholas; Wentz

Engrossed HB 1287 lost.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to commerce data; and to amend and reenact section 65-04-15 and subsection 4 of section 65-04-33 of the North Dakota Century Code, relating to reporting of employee and employer zip codes for commerce purposes.

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

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; 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 Maragos

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1334 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1370: A BILL for an Act to provide for a legislative council study of workers' compensation premium calculations.

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 80 YEAS, 7 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gullerson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Maragos

NAYS: Carlson; DeKrey; Haas; Klein, F.; Skarphol; Wald; Weisz

ABSENT AND NOT VOTING: Belter; Delzer; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1370 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to amend and reenact section 48-01.1-09 of the North Dakota Century Code, relating to bonds by construction managers on public improvement projects.

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

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Maragos

NAYS: Brusegaard; Klein, M.; Koppelman; Potter; Thorpe; Warner

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1387 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1427: A BILL for an Act to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-14 of the North Dakota Century Code, relating to garnishment disclosure fees and default judgments; and to provide for a legislative council study of garnishment forms.

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 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Glassheim; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Kasper; Keiser; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Acting Speaker Maragos

NAYS: Bellew; Delzer; Galvin; Johnson, N.; Kerzman; Klein, F.; Koppelman; Skarphol; Warner; Wrangham

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1427 passed and the title was agreed to.

MOTION

REP. WINRICH MOVED that the House reconsider its action whereby HB 1396 passed, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to create and enact a new subsection to section 25-01.3-01 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 23-01.3-02, 23-07-02.1, and 23-07-02.2, subsections 6, 7, and 8 of section 23-07.5-01, sections 23-07.5-02, subsection 1 of section 23-07.5-04, sections 23-07.5-06, 23-07.5-07, and 23-07.5-08, subsection 3 of section 23-07.7-02, sections 23-12-14 and 23-16-09, subsection 1 of section 25-01.3-10, section 25-16-07, subsection 9 of section 26.1-04-03, section 28-01-46.1, subsections 6 and 9 of section 37-18-11, subsection 4 of section 43-15-01, subdivision n of subsection 1 of section 43-15-10, section 43-47-09, subsection 1 of section 44-04-18.1, and section 50-19-10 of the North Dakota Century Code, relating to the use and disclosure of health information, and persons to be tested and the timing of testing for the human immunodeficiency virus; to repeal sections 23-01.3-03, 23-07.5-03, and 23-07.5-05 of the North Dakota Century Code, relating to the disclosure of health information; to provide an effective date; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; 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 Maragos

ABSENT AND NOT VOTING: Belter; Delzer; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

Engrossed HB 1438, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BERG MOVED that HB 1452 and HB 1290 be laid over one legislative day, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1050 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act to create and enact a new section to chapter 12.1-33 of the North Dakota Century Code, relating to the civil rights for misdemeanor domestic violence offenses; and to provide for retroactive application.

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 4 YEAS, 82 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Bellew; Delzer; Ruby; Wrangham

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

ABSENT AND NOT VOTING: Belter; Berg; Brusegaard; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

HB 1337 lost.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to amend and reenact subsection 2 of section 41-09-09, subsection 2 of section 41-09-11, and subsection 7 of section 41-09-13 of the North Dakota Century Code, relating to priority of state real estate statutes over related provisions of the Uniform Commercial Code.

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; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Maragos

ABSENT AND NOT VOTING: Belter; Berg; Froelich; Grande; Kelsch, R.; Nicholas; Warner; Wentz

HB 1379 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-14 of the North Dakota Century Code, relating to the license fee for pull tab dispensing device manufacturers; 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 60 YEAS, 25 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Amerman; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Grosz; Haas; Hanson; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Acting Speaker Maragos

NAYS: Aarsvold; Bellew; Bernstein; Boe; Boucher; Delmore; Eckre; Galvin; Glassheim; Gulleson; Herbel; Hunskor; Kerzman; Kingsbury; Klein, F.; Klein, M.; Niemeier; Onstad; Rennerfeldt; Ruby; Skarphol; Thorpe; Warner; Warnke; Williams

ABSENT AND NOT VOTING: Belter; Berg; Froelich; Grande; Kelsch, R.; Koppelman; Nicholas; Wentz; Zaiser

HB 1404 passed, the title was agreed to, but the emergency clause lost.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to amend and reenact section 26.1-26.6-09 of the North Dakota Century Code, relating to the return of a forfeiture to a bondsman.

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 82 YEAS, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Maragos

NAYS: Bellew; Price; Ruby; Weisz

ABSENT AND NOT VOTING: Belter; Berg; Froelich; Grande; Kelsch, R.; Nicholas; Svedjan; Wentz

HB 1415 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to a social security number on a driver's license.

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 81 YEAS, 6 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Galvin; Glassheim; Gulleson; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol;

Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Acting Speaker Maragos

NAYS: Froseth; Grosz; Haas; Keiser; Kretschmar; Timm

ABSENT AND NOT VOTING: Belter; Froelich; Grande; Kelsch, R.; Nicholas; Wentz; Zaiser

HB 1443 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to create and enact three new sections to chapter 32-42 of the North Dakota Century Code, relating to medical professional liability reform; and to amend and reenact section 32-42-01 of the North Dakota Century Code, relating to definitions.

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 14 YEAS, 73 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Delzer; Dosch; Galvin; Haas; Iverson; Kasper; Kempenich; Klein, F.; Meier; Thoreson; Timm; Wald; Weiler; Wrangham

NAYS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froseth; Glassheim; Grosz; Gullerson; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Acting Speaker Maragos

ABSENT AND NOT VOTING: Belter; Boe; Froelich; Grande; Kelsch, R.; Nicholas; Wentz

HB 1458 lost.

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

MR. PRESIDENT: The House respectfully requests the return of: HB 1077.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1243, HB 1353.

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: HB 1161, HB 1255, HB 1273, HB 1291, HB 1292, HB 1322, HB 1336, HB 1396, HB 1416, HB 1420, HB 1489.

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

MR. SPEAKER: The Senate accedes to the House request for the return of: HB 1077.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2021.

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 2003, SB 2004, SB 2006, SB 2007, SB 2010, SB 2011, SB 2014, SB 2016, SB 2024, SB 2031, SB 2033, SB 2095, SB 2096, SB 2125, SB 2162, SB 2194, SB 2246, SB 2255, SB 2288, SB 2308, SB 2321, SB 2350, SCR 4023.

REPORT OF STANDING COMMITTEE

HB 1043: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 54-44.6-01," and remove the second comma

Page 1, line 2, after "sections" insert "54-59-07," and after "54-59-11" insert a comma

Page 1, line 3, after the first comma insert "the state information technology advisory committee,"

Page 1, line 4, replace "; and to repeal section" with a period

Page 1, remove lines 5 and 6

Page 1, remove lines 8 through 18

Page 2, line 8, replace "ten" with "seven and one-half"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Section 54-59-07 of the North Dakota Century Code is amended and reenacted as follows:

54-59-07. State information technology advisory committee. ~~The state information technology advisory committee consists of the chief information officer or the officer's designee, who is a nonvoting member; the director of the department of commerce division of economic development and finance or the director's designee; the commissioner of higher education or the commissioner's designee; the chairman of the information technology council of North Dakota or a designee; the director of the North Dakota workforce development council or a designee; the chairman of the educational technology council or a designee; and eight; two members of the legislative assembly appointed by the legislative council; a minimum of eight members representing state agencies, appointed by the governor; and one member with technology management expertise representing private industry, appointed by the governor. Two of the eight members representing state agencies must be chosen from agencies headed by elected officials. The appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. Additional members may be asked to participate at the request of the chairman. The department shall provide staff services to the committee. Except for the commissioner of higher education and the representatives of state agencies who receive compensation for their duties as state officers or employees, members of the committee are representing private industry is entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are is entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department regarding statewide information technology planning, including providing electronic government services for citizens and businesses, developing technology infrastructure to support economic development and workforce training, and developing other budgeting, services of the information technology department, and statewide information technology initiatives and policy."~~

Page 3, remove lines 25 and 26

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1045: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 4, after "services" insert "; and to provide a statement of legislative intent"

Page 5, after line 10, insert:

"SECTION 7. LEGISLATIVE INTENT - FUNDING. It is the intent of the legislative assembly that \$113,830 for the judicial branch and \$277,470 for the office of administrative hearings be appropriated from the state aid distribution fund in House Bill

No. 1002 and House Bill No. 1018, respectively, to administer the provisions of this Act for the period beginning with the effective date of this Act and ending June 30, 2005."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1207: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1207 was placed on the Sixth order on the calendar.

Page 1, remove lines 19 through 23

Page 2, line 1, replace "7." with "6."

Page 2, remove line 7

Page 2, line 8, replace "9." with "7."

Page 2, line 10, after "may" insert "operate a port that includes all real and personal property, structures, machinery, equipment, and appurtenances or facilities that are part of the port or used or useful in connection with the port either as facilities for the convenience of handling equipment, passengers, and freight or as part of port or port facilities operation. In the process of operating a port, a port authority may"

Page 2, line 18, after "commerce" insert ", and through having foreign trade zone authority"

Page 3, line 1, remove "1."

Page 3, remove lines 16 through 21

Page 3, line 23, replace "whether in this state or in an adjoining state, provided" with "one of which"

Page 3, line 24, remove "that at least one municipality"

Page 5, line 6, remove "subsection 1 of"

Page 5, line 7, replace "11-36-02" with "11-36-03"

Page 6, line 15, replace "**General**" with "**Specific**"

Page 11, line 31, remove "except the levy is limited to agricultural and industrial land"

Page 13, line 18, remove "or port hazard"

Page 13, line 21, replace the first comma with "or" and remove "or port hazard,"

Page 13, line 27, remove "port hazard,"

Page 14, line 29, remove the fifth comma

Page 14, line 30, remove "including the acquisition or elimination of port hazards,"

Page 16, remove lines 29 and 30

Page 17, line 1, replace "**11-36-24**" with "**11-36-23**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 9, after "tournament" insert "or nontournament"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1352: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1352 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "locking" with "security" and replace "nursing" with "nurse"

Page 1, line 7, replace "**locking nursing tanks**" with "**security measures for nurse tanks**"

Page 1, line 8, replace "prohibiting an anhydrous ammonia storage facility from filling an anhydrous ammonia" with "identifying a critical methamphetamine use zone in the state and establishing appropriate security measures to be implemented by the owners and users of anhydrous ammonia nurse tanks located within the zone as a pilot project. The insurance commissioner may establish the duration of the pilot project, and may require the locking of anhydrous ammonia nurse tanks or other security measures as are deemed necessary to curb the illegal theft of anhydrous ammonia within the zone. The insurance commissioner shall enforce any rules adopted pursuant to this section."

Page 1, remove line 9

Page 1, line 12, remove "who is"

Page 1, line 13, remove "in compliance with rules regarding the locking of anhydrous ammonia nursing tanks"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1412: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1412 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 establishing the state's energy policy."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Governmental public purpose - Development of state's natural and renewable energy resources. The legislative assembly finds and declares it is an essential governmental function and public purpose to encourage the wise and orderly development of the state's natural and renewable energy resources. Increased development of the state's abundant lignite coal and oil and gas resources and development of the state's renewable resources, including biomass, hydro, geothermal, solar, and wind, are important components in achieving energy independence for the nation. State energy policies adopted by the state must consider the reliability, cost-effectiveness, enhanced environmental applications, and economic stability and tax revenue benefits to the state from each natural and renewable energy resource. It is a further public purpose not to mandate any state agency, department, or institution to use a particular energy resource."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a vacation day" with "leave"

Page 1, line 3, replace "**Vacation**" with "**Veterans' leave**" and replace "honorable" with "military service"

Page 1, line 4, remove "discharge" and after "employer" insert "at least fourteen days before veterans' day"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1428: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1445: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1445 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1474: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 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 54-52.4-03 of the North Dakota Century Code, relating to the use of sick leave by state employees to care for a parent, spouse, or child.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child. An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take not more than ~~forty~~^{forty-eight} hours of leave under this section in any twelve-month period. The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1484: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1491: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1491 was placed on the Sixth order on the calendar.

Page 2, line 26, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Page 3, line 16, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Page 5, line 8, after the underscored period insert "The term does not include a facility that provides accommodations for individuals with developmental disabilities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3046: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(9 YEAS, 5 NAYS, ABSENT AND NOT VOTING). HCR 3047 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "stodgy and"

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 2:30 p.m., Monday, February 17, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

