

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, January 22, 2003

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

The prayer was offered by Colleen Ressler, St. Vincent's Nursing Home and VP Chaplain's Association, Mandan.

The roll was called and all members were present except Representatives Bernstein, Herbel, Nicholas, Nottestad, and Rennerfeldt.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 170, Line 53, insert the following: Rep. Berg requested the unanimous consent of the House to withdraw HB 1373. There being no objection, it was so ordered by the Speaker.

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

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1034, HB 1036, HB 1044, HB 1051 and HB 1088 be adopted, which motion prevailed.

HB 1044 and HB 1088, as amended, were rereferred to the **Appropriations Committee**.

HB 1034, HB 1036 and HB 1051, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. BERG MOVED** that HB 1104 and HB 1142 be moved to the bottom of the calendar, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1332 be returned to the House floor from the **Transportation Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1345 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1261 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1211 be returned to the House floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1211. There being no objection, it was so ordered by the Speaker.

**SECOND READING OF HOUSE BILL**

**HB 1087:** A BILL for an Act to amend and reenact sections 54-53-02 and 54-53-03 of the North Dakota Century Code, relating to composition of the advisory transportation council and purpose of the upper great plains transportation institute.

**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 52 YEAS, 37 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Boehning; Carlisle; Carlson; Clark; Delmore; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Headland; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Norland; Porter; Price; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Belter; Boe; Boucher; Brusegaard; DeKrey; Delzer; Devlin; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hawken; Hunskor; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Metcalf; Mueller; Nelson; Niemeier; Onstad; Pietsch; Pollert; Potter; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Williams; Winrich

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Nicholas; Nottestad; Rennerfeldt

HB 1087, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1122:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to establishing a mule deer license raffle and auction.

**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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Drovdal; Kempenich

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Nicholas; Nottestad; Rennerfeldt

HB 1122, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1138:** A BILL for an Act to create and enact section 26.1-22-21.1 of the North Dakota Century Code, relating to insurance broker of record; to amend and reenact sections 26.1-22-05 and 26.1-22-21 of the North Dakota Century Code, relating to buildings insured by the state fire and tornado fund and excess loss reinsurance; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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; 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;

Monson; Mueller; Nelson; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Nicholas; Nottestad; Rennerfeldt

HB 1138, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1176:** A BILL for an Act to amend and reenact sections 39-08-09 and 39-08-10 of the North Dakota Century Code, relating to a notice of accident to law enforcement.

### 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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 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; Gulleston; Haas; Hanson; Hawken; Headland; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Onstad; Pietsch; Pollert; Potter; Price; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Kelsch, R.; Porter; Warnke

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Nicholas; Nottestad; Rennerfeldt

HB 1176, as amended, passed and the title was agreed to.

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### 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 1029.

### 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 1031, HB 1033, HB 1062, HB 1066.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause failed, and your favorable consideration is requested on: SB 2197.

### 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 2058, SB 2059, SB 2061, SB 2200.

### 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: HCR 3007.

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

**MR. SPEAKER:** The President has signed: HCR 3007.

### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on January 22, 2003: HCR 3007.

### FIRST READING OF HOUSE BILLS

Reps. Tieman, Dosch, Ekstrom, Froseth and Sens. Espgaard, Heitkamp introduced:  
(Approved by the Delayed Bills Committee)

**HB 1498:** A BILL for an Act to create and enact sections 45-11-02.1, 45-11-10, 47-25-02.1, and 47-25-08 of the North Dakota Century Code, relating to electronic filing of partnership fictitious name certificates and electronic filing of trade name registrations with the secretary of state; and to amend and reenact sections 45-11-04.1, 45-11-08.1, 47-25-03, 47-25-04, and 47-25-06 of the North Dakota Century Code, relating to fictitious name certificates and trade name registrations.

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

Rep. Monson introduced:

(Approved by the Delayed Bills Committee)

**HB 1499:** A BILL for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to imposition of sales and use taxes on certain prepared foods; and to provide an effective date.

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

Reps. Monson, Keiser, M. Klein introduced:

(Approved by the Delayed Bills Committee)

**HB 1500:** A BILL for an Act to amend and reenact subsection 1 of section 19-03.1-01.1, subsection 1 of section 43-05-01, subsection 1 of section 43-05-02, and subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to replacement of the board of podiatric medicine with the state board of medical examiners; to repeal section 43-05-03, 43-05-04, 43-05-05, 43-05-06, and 43-05-07 of the North Dakota Century Code, relating to the board of podiatric medicine; and to provide for transition.

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 **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "15-15-06" with "57-15-06"

Page 1, line 18, after "subsection" insert "and may not increase the number of mills levied in any one year over the number levied in the previous year by more than the increase in the consumer price index for all urban consumers, all items, United States city average, as completed by the United States department of labor, bureau of labor statistics"

Page 2, line 13, replace "is" with "becomes"

Page 2, line 14, after "year" insert "and subsequent tax years"

Page 2, after line 23, insert:

"3. A contractual obligation entered by a county with respect to a dedicated mill levy may not be impaired as a result of consolidation of levies under this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1060: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1060 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1065: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1097: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1098: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1099: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1099 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1141: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1143: 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 1143 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "confidential and is"

Page 2, line 13, after "and" insert "only those portions of"

Page 2, line 22, replace "confidential" with "exempt"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1146: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1146 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1152: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1152 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1164: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the comma

Page 1, line 3, remove the first comma

Page 1, line 5, after "and" insert "to"

Page 5, line 31, remove the first underscored period and after "23-16" insert "or 25-16"

Page 6, line 1, after "services" insert an underscored period

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1185: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1201: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "working in a medicare-funded nursing facility, in the performance of" with ", including a feeding assistant, performing nonhands-on tasks while employed in a medicare-funded organization."

Page 1, remove line 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1228: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1228 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "1999" and insert immediately thereafter "2003"

Page 1, line 21, overstrike "1999" and insert immediately thereafter "2003"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1236: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1244: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1249: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1249 was placed on the Sixth order on the calendar.

Page 3, line 12, replace "Within three days of the department's issuance of a revocation notice, the" with "The"

Page 3, line 13, remove "and the provider"

Page 3, line 14, after the second "the" insert "issuance of a" and after "revocation" insert "notice"

Page 3, remove lines 15 through 21

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1267: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1268: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1268 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1328: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "the winner of" with "upon registration"

Page 1, line 16, replace "upon receiving the motor vehicle" with "or the motor vehicle is registered in another state"

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 and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 23, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

