

**JOURNAL OF THE HOUSE**

**Fifty-eighth Legislative Assembly**

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**Bismarck, January 29, 2003**

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

The prayer was offered by Rev. Dom Vetter, Word of Faith Church, Bismarck.

The roll was called and all members were present except Representatives D. Johnson, Solberg, Uglem, Wentz, and Onstad.

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 1063, HB 1090, HB 1115, HB 1135, HB 1149, HB 1168, HB 1196, HB 1210 and HB 1269 be adopted, which motion prevailed.

HB 1063, HB 1090, HB 1115, HB 1135, HB 1149, HB 1168, HB 1196, HB 1210 and HB 1269, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. BERG MOVED** that HB 1459 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 1459. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. BERG MOVED** that HB 1101 and HB 1297 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1061:** A BILL for an Act to create and enact subsection 6 of section 26.1-45-01 and section 26.1-45-14 of the North Dakota Century Code, relating to long-term care insurance; and to amend and reenact subsections 3, 4, and 5 of section 26.1-45-01, section 26.1-45-05.1, subdivision b of subsection 2 of section 26.1-45-07, and sections 26.1-45-09 and 26.1-45-11 of the North Dakota Century Code, relating to long-term care insurance.

**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 81 YEAS, 8 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleon; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Kretschmar

**NAYS:** Carlson; Grande; Haas; Iverson; Keiser; Monson; Skarphol; Wald

**ABSENT AND NOT VOTING:** Johnson, D.; Norland; Onstad; Solberg; Wentz

HB 1061, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1082:** A BILL for an Act to amend and reenact sections 34-06-03, 34-06-04, 34-06-14, 34-06-17, and 34-06-19 of the North Dakota Century Code, relating to authority of the labor commissioner to adopt rules on wages and working conditions for employment in this state; and to repeal sections 34-06-09, 34-06-10, 34-06-11, 34-06-12, and 34-06-13 of the North Dakota Century Code, relating to authority of the labor commissioner to issue orders on wages and working conditions for employment in this state.

**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, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Monson; Wald

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

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

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**SECOND READING OF HOUSE BILL**

**HB 1102:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 38-08-04, subdivision a of subsection 1 of section 38-12-02, subdivision a of subsection 1 of section 38-12.1-04, and subdivision d of subsection 1 of section 38-19-03 of the North Dakota Century Code, relating to an election to deposit cash or property in lieu of a bond for coal exploration, subsurface mineral exploration and development, and geothermal production.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1102, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1139:** A BILL for an Act to create and enact a new subsection to section 26.1-33-11 of the North Dakota Century Code, relating to interest paid on death claims by insurance companies; and to amend and reenact subdivision e of subsection 3 of section 26.1-29-09.1, subdivision c of subsection 2 of section 26.1-37-01, and subdivision a of subsection 1 of section 26.1-38.1-03 of the North Dakota Century Code, relating to insurable interest in personal insurance, credit insurance on motor vehicles, and life

insurance and annuity accounts maintained by the life and health insurance guaranty association.

#### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; 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, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Kretschmar

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1139, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1150:** A BILL for an Act to amend and reenact sections 65-02-03.1, 65-02-30, and 65-03-04 of the North Dakota Century Code, relating to the term of office of members and membership of the workers compensation bureau board of directors and biennial performance evaluations of the functions and operations of the workers compensation bureau; and to provide for application.

#### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; 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, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Kretschmar

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1150, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1186:** A BILL for an Act to provide for a legislative council study of the state leasing of county court facilities.

#### 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, 11 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt;

Severson; Sitte; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weisz;  
Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser;  
Acting Speaker Kretschmar

**NAYS:** Carlisle; Carlson; Clark; Hawken; Iverson; Kelsch, R.; Porter; Skarphol; Thoreson;  
Wald; Weiler

**ABSENT AND NOT VOTING:** Johnson, D.; Klein, F.; Onstad; Solberg; Wentz

HB 1186, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1262:** A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to members of a board of county commissioners serving on other boards.

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

**ABSENT AND NOT VOTING:** Johnson, D.; Klein, F.; Onstad; Solberg; Wentz

HB 1262, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1299:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to North Dakota FFA foundation number plates.

### 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 54 YEAS, 36 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Bernstein; Boe; Boucher; Brusegaard; Carlisle; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gullerson; Haas; Hanson; Hawken; Headland; Hunskor; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Klein, F.; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pollert; Porter; Potter; Price; Ruby; Schmidt; Sitte; Svedjan; Thorpe; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Zaiser; Acting Speaker Kretschmar

**NAYS:** Belter; Berg; Boehning; Carlson; Clark; Delzer; Devlin; Drovdal; Froseth; Grande; Grosz; Herbel; Iverson; Kasper; Keiser; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Monson; Norland; Pietsch; Rennerfeldt; Sandvig; Severson; Skarphol; Thoreson; Tieman; Timm; Uglem; Wald; Wieland; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1299, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1319:** A BILL for an Act to amend and reenact section 39-10-57 of the North Dakota Century Code, relating to following or stopping by an emergency vehicle.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1319, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1167:** A BILL for an Act to amend and reenact sections 4-05.1-04, 26.1-21-22, 43-25-13, and 43-32-11, subsection 4 of section 54-06-04, and section 54-54-09 of the North Dakota Century Code, relating to reports by agricultural research or research extension centers, the state bonding fund, the board of massage therapists, the board of psychologist examiners, the council on the arts, and other entities submitted to the governor or secretary of state.

**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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1167 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1169:** A BILL for an Act to amend and reenact sections 47-22-01, 47-22-02, 47-22-03, 47-22-04, 47-22-05, 47-22-06, 47-22-06.1, 47-22-07, 47-22-08, 47-22-09, 47-22-10, 47-22-11, 47-22-12, and 47-22-13 of the North Dakota Century Code, relating to registration and protection of service marks; to provide for retroactive application; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; 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; Herbel; Hunskor; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Kretschmar

**ABSENT AND NOT VOTING:** Johnson, D.; Onstad; Solberg; Wentz

HB 1169 passed, the title was agreed to, and the emergency clause was declared carried.

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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 1233.

**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 1064, HB 1116, HB 1129, HB 1160, HB 1296, HB 1316.

**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 2046, SB 2053, SB 2131, SB 2138, SB 2187, SB 2188, SB 2199, SB 2201, SB 2218, SB 2267.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. M. Klein, Belter, Devlin introduced:

**HCR 3033:** A concurrent resolution directing the Legislative Council to study North Dakota Century Code Chapters 37-01 through 37-11 to revise references to the militia and the National Guard.

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

Rep. DeKrey introduced:

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the civil commitment laws of North Dakota, chapter 25-03.1, court decisions concerning civil commitment, and the civil commitment laws of the other states.

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

Reps. Devlin, Brusegaard, Weisz and Sens. Andrist, Fischer, Mutch introduced:

**HCR 3035:** A concurrent resolution proclaiming March 16, 2003, as Liberty Day.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

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

**HCR 3036:** A concurrent resolution urging Congress to enact legislation for the economic recovery of North Dakota's Missouri River corridor.

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

Reps. Grande, Belter, Wald and Sens. Lyson, Stenehjem, Trenbeath introduced:

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the state's criminal justice process from arrest to release, including the cost-effectiveness and efficiency of incarcerating large numbers of inmates in a large facility, the use of electronic monitoring as an alternative to incarceration, and the effectiveness of sentencing laws, incarceration, and treatment.

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

Reps. Warnke, Carlson, Kerzman and Sens. Erbele, Krauter introduced:

**HCR 3038:** A concurrent resolution urging Congress to permit states to enact prohibitions on the use of federal family planning funds by private and public agencies.

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

Rep. Boucher introduced:

**HCR 3039:** A concurrent resolution strongly encouraging appropriate state officials to take aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project.

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

Reps. Warner, N. Johnson, Martinson and Sens. Fischer, Lyson, Taylor introduced:

**HCR 3040:** A concurrent resolution urging the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to adopt and implement an updated Missouri River Master Water Control Manual that gives fair consideration to the substantial recreation values present on Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota.

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

Reps. Warner, N. Johnson, Martinson and Sens. Fischer, Lyson, Taylor introduced:

**HCR 3041:** A concurrent resolution urging the President of the United States, Secretary of the Army, and the United States Army Corps of Engineers to improve, rehabilitate, and repair visitor facilities, event sites, and other areas within their jurisdiction in North Dakota expected to experience significant increases in visitation as a result of the bicentennial commemoration of the Lewis and Clark Expedition.

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

#### REPORT OF STANDING COMMITTEE

**HB 1089: 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 1089 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to amend and reenact subsection 3 of section 12.1-32-07 of the North" with "in lieu of revocation of probation."

Page 1, remove line 4

Page 1, remove the underscore under line 8

Page 1, replace lines 9 through 21 with:

- "1. If a parole and probation officer takes a defendant into custody in accordance with rule 32 of the North Dakota Rules of Criminal Procedure for a violation of probation and has reasonable cause to believe the defendant is a chemically dependent individual who requires drug and alcohol treatment and rehabilitation or is in need of other treatment and rehabilitative programming, the parole and probation officer may place the defendant in an assessment center pending a hearing on the alleged violation for an evaluation to determine whether the defendant is a chemically dependent individual who is in need of drug and alcohol treatment and rehabilitation or is in need of other treatment and rehabilitative programming. The assessment center shall conduct the evaluation within seventy-two hours after the defendant has been placed in the assessment center."

Page 1, line 22, remove the underscore under "2. For purposes of this section, an assessment center means a facility", and insert immediately thereafter "operated under the direction of, or under contract with, the department of corrections and rehabilitation," and remove the underscore under "for the"

Page 1, remove the underscore under lines 23 and 24

Page 2, replace lines 1 through 9 with:

- "3. Upon completion of the evaluation, the assessment center shall refer the defendant to the sentencing court for a hearing on the alleged probation violation along with a report of its evaluation. If the court finds that the defendant violated a term or condition of probation and is a chemically dependent individual in need of drug and alcohol treatment or is in need of other treatment and rehabilitation, the court may continue the defendant on the existing probation and extend or enlarge the conditions of probation to require the defendant to return to the assessment center to undergo further assessment and treatment and rehabilitation and impose other conditions the court deems reasonably necessary to assure that the defendant complies with the terms and conditions of probation, or the court may revoke the probation and impose any other sentence that was available under section 12.1-32-02 or 12.1-32-09 at the time of the initial sentencing or deferment."

Page 2, remove the underscore under lines 10 through 21

Page 2, remove lines 22 through 31

Page 3, remove lines 1 through 10

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1119: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1166: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1172: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1172 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "others" with "professional sports teams and professional athletes"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1189: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "Issue" with "If the judge is an attorney licensed under chapter 27-11, issue"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1191: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1191 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1195: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1251: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1251 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1320: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 11-19-02, 11-19-03," with "section" and remove ", and"

Page 1, line 2, remove "23-01-05.4" and remove "inquest and"

Page 1, line 3, replace "information" with "photographs and video recordings"

Page 1, remove lines 5 through 23

Page 2, line 3, after "**results**" insert "- Confidentiality"



Page 2, line 13, replace "The" with "Photographs or video recordings of an" and remove "report and any related materials"

Page 2, line 14, after the underscored comma insert "a medical school for use for educational purposes."

Page 2, line 15, replace "The coroner may provide the cause of death for the" with "For purposes of this section, "immediate family" means the decedent's spouse, parent, child, or sibling."

Page 2, remove lines 16 through 31

Page 3, remove lines 1 through 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1351: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1351 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; and to declare an emergency"

Page 2, line 5, remove the second comma

Page 2, line 6, remove "substantial bodily injury, or serious bodily injury"

Page 2, after line 14, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1466: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1466 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1468: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1468 was placed on the Eleventh order on the calendar.

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 30, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

