

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, January 10, 2003

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

The prayer was offered by Rev. Darrel Alison, St. Alexius Medical Center.

The roll was called and all members were present except Representatives Koppelman, Nicholas, Norland, Tieman, and Weisz.

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

Page 25, after line 20, insert the following: The appointment of Vonnie Pietsch to serve on Human Services and Political Sub Committees.

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

FIRST READING OF HOUSE BILLS

Reps. Froelich, DeKrey, Kerzman and Sen. Erbele introduced:

HB 1219: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment and classification purposes; and to provide an effective date.

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

Reps. Grande, Hawken, Meier, Potter and Sens. Christenson, J. Lee introduced:

HB 1220: A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the driver of a motor vehicle fleeing or attempting to elude a law enforcement officer.

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

Reps. Grande, Hawken, Meier, Potter and Sens. Christenson, J. Lee introduced:

HB 1221: A BILL for an Act to create and enact chapter 23-07.8 of the North Dakota Century Code, relating to procedures for emergency medical services providers and other public employees to require contagious disease testing; and to provide a penalty.

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

Reps. Pollert, Eckre, Headland, Nicholas and Sens. Erbele, Flakoll introduced:

HB 1222: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for theft of anhydrous ammonia.

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

Rep. Porter and Sens. Cook, Trenbeath introduced:

HB 1223: A BILL for an Act to create and enact a new section to chapter 20.1-04 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the opening date of pheasant season and the hunting of pheasants on certain lands in the state.

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

Reps. Porter, Bernstein, Drovdal, Herbel and Sen. Tollefson introduced:

HB 1224: A BILL for an Act to amend and reenact section 20.1-04-11 of the North Dakota Century Code, relating to the use of boats to take or retrieve waterfowl.

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

Rep. Maragos and Sen. Schobinger introduced:

HB 1225: A BILL for an Act to amend and reenact section 23-10-14 of the North Dakota Century Code, relating to mobile home leases.

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

Rep. Maragos and Sen. Schobinger introduced:

HB 1226: A BILL for an Act to amend and reenact sections 23-10-10.1 and 23-10-11 of the North Dakota Century Code, relating to procedures and rules of a mobile home park.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

Reps. R. Kelsch, Aarsvold, Hunsakor and Sens. Freborg, O'Connell introduced:

HB 1227: A BILL for an Act to amend and reenact section 37-01-42 of the North Dakota Century Code, relating to honorary high school diplomas for Korean conflict veterans.
Was read the first time and referred to the **Education Committee.**

Reps. Maragos, Keiser and Sens. Espesgard, Seymour introduced:

HB 1228: A BILL for an Act to amend and reenact sections 25-03.2-03.1 and 50-11-02.3 of the North Dakota Century Code, relating to continuing a moratorium on the expansion of residential treatment center for children and residential child care facility or group home bed capacity; to provide an expiration date; and to declare an emergency.
Was read the first time and referred to the **Human Services Committee.**

Rep. Maragos introduced:

HB 1229: A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to the purchase of a mobile home by a park owner; and to amend and reenact section 23-10-13 of the North Dakota Century Code, relating to the sale of a mobile home park.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

Reps. Belter, Carlson and Sen. Fischer introduced:

HB 1230: A BILL for an Act to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to legislative overview of the Garrison diversion project.
Was read the first time and referred to the **Government and Veterans Affairs Committee.**

Reps. Keiser, Carlson, Dosch and Sens. Espesgard, Grindberg, Klein introduced:

HB 1231: A BILL for an Act to create and enact sections 26.1-02.1-02.1, 26.1-02.1-06, 26.1-02.1-07, 26.1-02.1-08, 26.1-02.1-09, 26.1-02.1-10, 26.1-02.1-11, and 26.1-02.1-12 of the North Dakota Century Code, relating to insurance fraud; to amend and reenact sections 26.1-02.1-01, 26.1-02.1-04, and 26.1-02.1-05 of the North Dakota Century Code, relating to insurance fraud; to repeal sections 26.1-02.1-02 and 26.1-02.1-03 of the North Dakota Century Code, relating to insurance fraud; to provide a penalty; and to provide an appropriation.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

Reps. Maragos, Severson and Sen. Krebsbach introduced:

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

Reps. Keiser, N. Johnson and Sens. Klein, Mutch introduced:

HB 1233: A BILL for an Act to amend and reenact subsection 5 of section 26.1-17-33.1 of the North Dakota Century Code, relating to the powers of nonprofit mutual insurance companies.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

Reps. DeKrey, Nicholas and Sen. Nichols introduced:

HB 1234: A BILL for an Act to amend and reenact section 28-24-02 of the North Dakota Century Code, relating to redemption.
Was read the first time and referred to the **Judiciary Committee.**

Reps. Klemin, Kretschmar and Sen. Dever introduced:

HB 1235: A BILL for an Act to amend and reenact sections 31-13-03, 31-13-05, and 31-13-07 of the North Dakota Century Code, relating to the law enforcement DNA data base.
Was read the first time and referred to the **Judiciary Committee.**

Reps. N. Johnson, Kasper, M. Klein and Sen. Espesgard introduced:

HB 1236: A BILL for an Act to amend and reenact sections 43-19.1-18 and 43-19.1-25 of the North Dakota Century Code, relating to professional engineer and land surveyor registration fees and recovery of legal costs in disciplinary matters.
Was read the first time and referred to the **Industry, Business and Labor Committee.**

Reps. Nottestad, Aarsvold, Haas and Sen. Espesgard introduced:

HB 1237: A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to the expulsion of students and school district weapons and firearms policies; and to amend and reenact sections 15.1-19-09 and

15.1-19-10 of the North Dakota Century Code, relating to the suspension and expulsion of students.

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

Reps. Mueller, Metcalf, Severson and Sens. Erbele, Taylor introduced:

HB 1238: A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.

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

Reps. Porter, Delmore, Wrangham and Sens. Krebsbach, Trenbeath introduced:

HB 1239: A BILL for an Act to amend and reenact section 53-06.1-01 and subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to the selling of prize boards.

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

Reps. Froelich, Delmore and Sen. Fischer introduced:

HB 1240: A BILL for an Act to provide for a preference to residents in hiring for employment by the state.

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

Reps. Belter, Carlson, Eckre and Sen. G. Lee introduced:

HB 1241: A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to chapter 15.1-35 of the North Dakota Century Code, relating to contracts for the preparation and provision of meals.

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

Rep. Sandvig and Sen. Thane introduced:

HB 1242: A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to Chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child and the duty of physicians; and to provide a penalty.

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

Reps. Maragos, Berg, Boucher and Sens. O'Connell, Stenehjem introduced:

HB 1243: A BILL for an Act to create and enact a new section to chapter 50-06, chapter 53-12, and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to compulsive gambling prevention and treatment, the establishment of the North Dakota lottery, and to an exemption from sales tax; to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to lottery offenses; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.

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

Reps. Wrangham, Delzer, M. Klein, Severson and Sens. Christmann, Wardner introduced:

HB 1244: A BILL for an Act to amend and reenact section 54-05.1-02 of the North Dakota Century Code, relating to exceptions from the definition of a lobbyist.

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

Reps. Keiser, Devlin, Porter and Sens. Klein, Krebsbach, O'Connell introduced:

HB 1245: A BILL for an Act to amend and reenact subsection 10 of section 15-20.4-02, section 43-12.1-02, subsection 2 of section 43-12.1-04, and sections 43-12.1-08 and 43-12.1-09 of the North Dakota Century Code, relating to nursing education programs.

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

Reps. Wieland, Eckre, Herbel, Maragos, Pollert and Sen. Lindaas introduced:

HB 1246: A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota Century Code, relating to enforcement of criminal violations by a home rule county; and to amend and reenact subsection 5 of section 11-09.1-05 of the North Dakota Century Code, relating to powers of a home rule county.

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

Reps. Niemeier, Guleson and Sen. Nelson introduced:

HB 1247: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage and public employee health insurance coverage for certain outpatient prescription drugs and devices; and to provide for application.

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

Reps. Timm, Bellew, Maragos, Price, Ruby and Sen. Krebsbach introduced:

HB 1248: A BILL for an Act to authorize participation in the construction of a Minot area vocational education and workforce training center and to provide an appropriation.

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

Reps. Hawken, Delmore, Meier and Sen. Wardner introduced:

HB 1249: A BILL for an Act to amend and reenact subsection 2 of section 50-11.1-07 and sections 50-11.1-07.2, 50-11.1-07.8, and 50-11.1-09 of the North Dakota Century Code, relating to early childhood services.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Belter and Sen. J. Lee introduced:

HCR 3011: A concurrent resolution directing the Legislative Council to study the North Dakota open records statutes and the appropriateness of the penalties for an unauthorized disclosure of certain records.

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

Rep. Weisz and Sen. Trenbeath introduced:

HCR 3012: A concurrent resolution directing the Legislative Council to study the laws of this state concerning arbitration of construction issues with the Department of Transportation.

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

Rep. Weisz and Sen. Trenbeath introduced:

HCR 3013: A concurrent resolution directing the Legislative Council to study the laws of this state concerning abandonment and vacation of sections of routes of the state highway system.

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

Reps. Gulleeson, Metcalf, Niemeier and Sens. Heitkamp, Thane introduced:

HCR 3014: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the establishment of a legislative redistricting commission; and for the amendment of sections 1, 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to the composition of the legislative assembly, legislative redistricting, and the term of office of senators and representatives.

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

Reps. M. Klein, Bellew, Price and Sens. Fischer, Krebsbach, O'Connell introduced:

HCR 3015: A concurrent resolution expressing the legislative assembly's support for construction of the northwest area water supply project and delivery of water to eastern North Dakota.

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

2003 HOUSE PROCEDURAL COMMITTEE JOINT CONSTITUTIONAL REVISION

Rep. Kretschmar, Chairman

Rep. Eckre

Rep. Winrich

Rep. Maragos

Rep. Hawken

MOTION

REP. MONSON MOVED that HB 1121 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to repeal sections 12-47-27, 12-47-28, and 12-47-29 of the North Dakota Century Code, relating to transfers of penitentiary inmates to the state hospital.

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 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; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg;

Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

ABSENT AND NOT VOTING: Koppelman; Nicholas; Norland; Tieman; Weisz

HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact a new subsection to section 57-38-60 of the North Dakota Century Code, relating to the filing of income tax withholding returns and income tax withholding payments by payroll service providers.

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, 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

ABSENT AND NOT VOTING: Nicholas; Norland; Tieman; Weisz

HB 1108 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to a performance assurance plan by the public service commission; to provide a continuing appropriation; to provide an expiration 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 89 YEAS, 1 NAY, 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, D.; 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; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

NAYS: Kretschmar

ABSENT AND NOT VOTING: Nicholas; Norland; Tieman; Weisz

HB 1052 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact section 44-04-18.1 of the North Dakota Century Code, relating to the confidentiality of personal information obtained by a state agency in administering occupational or professional licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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, 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

ABSENT AND NOT VOTING: Nicholas; Norland; Tieman; Weisz

HB 1078 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the transfer of funds between the beginning farmers loan fund and the agriculture partnership in assisting community expansion fund.

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, 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wentz

ABSENT AND NOT VOTING: Nicholas; Norland; Tieman; Weisz

HB 1118 passed and the title was agreed to

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3008: A concurrent resolution directing the Legislative Council to study the use of electronic home detention for nonviolent offenders.

The question being on the final adoption of the resolution, which has been read.

HCR 3008 passed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1075: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~within the~~"

Page 1, line 14, after "~~budget~~" insert "information technology department"

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., Monday, January 13, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

