

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, January 24, 2003

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

The prayer was offered by Rev. John Luhmann, Bismarck Evangelical Church.

The roll was called and all members were present except Representatives Bernstein, Grosz, Nicholas, Svedjan, and Wentz.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

On page 117, after line 43 insert the following: Rep. Berg requested the unanimous consent of the House to withdraw HB 1069, there being no objection, it was so ordered by the Speaker.

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

**RULES OF DECORUM**

1. No food is permitted on the floor of the House when the House is convened.
2. Photographs and video camera taping are not permitted while the House is in session. Members of the Press are the only exception.
3. No one is permitted to sleep or rest in a prone position on the seats which line both sides of Memorial Hall between the House and Senate Chambers.
4. Every member must vote if they are in the House Chamber during a roll call vote.
5. When a roll call vote is taken, every member not at their seat shall call out their name and vote in a voice loud enough for the Speaker to hear. The Majority and Minority Leader and their assistants are exempt from the provisions of this rule.
6. During debate, members are to be attentive and quiet. Noise behind the rail shall be held to a minimum
7. No member shall have more than one guest seated with the member during floor debate. Each member has one guest pass.
8. No one is permitted to visit or lean over the back railing while the House is in session.
9. The Sergeant-at-Arms shall clear the floor of the House Chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, former members of the Legislative Assembly and members of the press, during the time period commencing one hour before the House convenes on any legislative day until the House recesses for the calendar day.
10. Tour groups are not allowed at the front desk area.
11. Legislators and employees shall be suitably attired. Men must wear a sport coat and tie at all times when on the House Floor.
12. When a legislator is speaking, the Sergeant-at-Arms will not allow guests to enter that section.
13. When the Speaker is putting the question, no member shall walk out or across the Floor of the House.

14. When a member is speaking, no person shall pass between the person speaking and the Chair.

15. A member desiring to speak shall turn on the speak light, rise and respectfully address the Speaker. The member shall remain in place before proceeding to speak until recognized by the Chair.

16. Visitors sitting in the lower tier of seats in the House balcony shall not touch, lean over, place objects on, or put their feet on the brass railings.

17. While the House is convened, no person shall read newspapers or other large publications in a conspicuous manner.

18. All persons shall wear identification badges while in the House Chamber or in the employ of the House.

19. All materials placed on desks must be authorized by a House member or individually addressed and mailed to each member.

20. House Rule 306: No member may speak more than once on the same subject except the person carrying the bill, committee chairman, floor leaders or bill sponsor.

#### MOTION

**REP. BERG MOVED** that HB 1434 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1024:** A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to optional consolidation of county mill levies.

#### 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 68 YEAS, 21 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boehning; Boucher; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Norland; Nottestad; Pietsch; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Thoreson; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Acting Speaker Timm

**NAYS:** Bellew; Belter; Boe; Brusegaard; Carlson; Delzer; Froelich; Grande; Hunskor; Kasper; Keiser; Nelson; Onstad; Pollert; Porter; Sitte; Skarphol; Thorpe; Wald; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Nicholas; Svedjan; Wentz

HB 1024, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1143:** A BILL for an Act to create and enact three new sections to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of public health and security system plans; 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; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.;

Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Nicholas; Svedjan; Wentz

HB 1143, 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 1164:** A BILL for an Act to create and enact chapter 50-32 of the North Dakota Century Code, relating to licensing of assisted living facilities; to amend and reenact subsection 8 of section 23-09-01 and sections 50-24.5-01 and 50-24.5-02 of the North Dakota Century Code, relating to assisted living facilities; to repeal section 50-24.5-02.1 of the North Dakota Century Code, relating to registration of assisted living facilities; 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 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; Guleson; 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; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Bernstein; Grosz; Nicholas; Svedjan; Wentz

HB 1164, 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 and your favorable consideration is requested on: HB 1025, HB 1034, HB 1036, HB 1046, HB 1051, HB 1058, HB 1067, HB 1071, HB 1073, HB 1079, HB 1104, HB 1110, HB 1128, HB 1132, HB 1134, HB 1136, HB 1140, HB 1142, HB 1157.

#### 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 1130, HB 1151, HB 1158.

#### 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 2043, SB 2057, SB 2157, SB 2177, SB 2183, SB 2184, SB 2205.

#### REPORT OF STANDING COMMITTEE

**HB 1030: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on page 138 of the House Journal, House Bill No. 1030 is amended as follows:

Page 1, line 2, after the first semicolon insert "and" and remove "; and to declare an emergency"

Page 1, line 9, replace "shall" with "may"

Page 1, line 17, replace "period" with "biennium"

Page 1, line 18, replace "with the effective date of this Act" with "July 1, 2003,"

Page 1, remove line 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1064: 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 1064 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "; and to provide for implementation of this Act"

Page 1, line 22, after the period insert "The public employees retirement system board shall fund the administrative expenses of administering that retirement plan from the funds in that plan."

Page 2, remove lines 8 and 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1116: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 3, after "transactions" insert "; and to provide an expiration date"

Page 2, after line 22 insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2007, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1129: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "within", remove "thirty", and overstrike "days after the period"

Page 1, line 19, overstrike "for which remittance is made" and insert immediately thereafter "not later than the last day of the month following the month in which the milk was marketed"

Page 1, line 20, overstrike "must" and insert immediately thereafter "may"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1233: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 2, after "companies" insert "; and to declare an emergency"

Page 1, line 6, remove the overstrike over "a", after "~~stock~~" insert "wholly owned", and remove the overstrike over "~~company for the purpose~~"

Page 1, line 7, remove the overstrike over "~~of administering medicare claims~~" and replace "subsidiaries and affiliates" with "and engaging in other business activities"

Page 1, line 8, after "risk" insert ". A company established under this subsection may form a joint venture or subsidiary to conduct one or more of the functions the nonprofit mutual insurance company could conduct directly. An officer, a director, or a management employee of the nonprofit mutual insurance company may not directly or indirectly own an interest in a subsidiary"

Page 1, after line 8, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1259: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1296: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1296 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact subsection 1 of"

Page 1, replace lines 4 and 5 with:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-21-12 of the North Dakota Century Code is amended and reenacted as follows:

1. On or before October first of each year, each school district shall file a report with the superintendent of public instruction indicating:
  - a. The amount and source of funds that were made available to the district for professional development during the preceding school year;
  - b. The amount and source of funds that were expended by the district for professional development during the preceding school year; and
  - c. ~~The number of district teachers who participated in professional development activities during the preceding school year;~~
  - d. ~~The source of funding for~~ A separate list of the professional development activities in which the teachers district participated during the preceding school year; and the amount of time committed to the activities.
  - e. ~~The nature and scope of the professional development activities in which the teachers participated."~~

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1316, as amended, Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1316, as amended, was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "audible signal by siren or" and remove "airhorn as"

Page 1, line 22, remove "appropriate and" and overstrike "when giving"

Page 1, line 23, overstrike "which" and insert immediately thereafter "that"

Page 1, line 24, after "[152.4 meters]" insert "and if appropriate, giving audible signal by siren or airhorn"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3012: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3012 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3013: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3018: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3018 was placed on the Tenth 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 and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 27, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**