

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

\* \* \* \* \*

Bismarck, February 5, 2003

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

The prayer was offered by Rev. Wilfred Hanson, Zion Lutheran Church, Elgin.

The roll was called and all members were present except Representative Schmidt.

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 1217, HB 1246, HB 1338, HB 1348, HB 1375, HB 1381, HB 1399, HB 1400, HB 1471, HB 1480 and HCR 3010 be adopted, which motion prevailed.

HB 1399, as amended, was rereferred to the **Appropriations Committee**.

HB 1217, HB 1246, HB 1338, HB 1348, HB 1375, HB 1381, HB 1400, HB 1471, HB 1480 and HCR 3010, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. BERG MOVED** that HB 1039 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1039. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. BERG MOVED** that HB 1040 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1040. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. BERG MOVED** that HB 1041 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1041. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. BERG MOVED** that HB 1042 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1042. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. BERG MOVED** that HCR 3030 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Joint Constitutional Revision Committee**, which motion prevailed.

**MOTION**

**REP. BERG MOVED** that HB 1387 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1387 was rereferred.

**MOTION**

**REP. BERG MOVED** that HB 1272 be returned to the House floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1272. There being no objection, it was so ordered by the Speaker.

**SECOND READING OF HOUSE BILL**

**HB 1100:** A BILL for an Act to amend and reenact sections 54-10-21, 54-11-04, and 54-27-08 of the North Dakota Century Code, relating to the duties of the state auditor.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Hunsakor; 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; Nicholas; 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; Speaker Wentz

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1100 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1114:** A BILL for an Act to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to the action following a test to determine the alcohol content of the blood of a resident motor vehicle operator.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Hunsakor; 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; Nicholas; 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; Speaker Wentz

Engrossed HB 1114 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**REP. BERG MOVED** that HB 1145 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1145 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1192:** A BILL for an Act to amend and reenact subsection 2 of section 36-21.1-09 of the North Dakota Century Code, relating to the valuation of live animal raffle prizes; 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, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; 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; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Devlin; Kelsch, R.; Porter; Severson

Engrossed HB 1192 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to amend and reenact section 26.1-21-09.1 of the North Dakota Century Code, relating to bonds for agents distributing hunting and fishing licenses.

**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 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; 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; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Carlson; Grande; Ruby; Skarphol; Timm; Wald; Weisz

**ABSENT AND NOT VOTING:** Thorpe

Engrossed HB 1216 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**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.

**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 92 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; 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; Nicholas; 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; Zaiser;  
Speaker Wentz

**NAYS:** Wrangham

**ABSENT AND NOT VOTING:** Boehning

Engrossed HB 1220 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**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.

### 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 73 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Grosz; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Amerman; Bellew; Belter; Boe; Brusegaard; Carlson; Delzer; Froseth; Grande; Gullerson; Iverson; Kretschmar; Metcalf; Norland; Nottestad; Ruby; Uglem; Wald; Warner; Wrangham

**ABSENT AND NOT VOTING:** Haas

Engrossed HB 1223 passed and the title was agreed to.

\*\*\*\*\*

Let the record show that Rep. Haas voted yea on HB 1223.

### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to amend and reenact sections 15.1-12-14 and 15.1-12-15 of the North Dakota Century Code, relating to teachers' contracts in newly reorganized districts; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; 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; Nicholas; 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; Speaker Wentz

Engrossed HB 1258 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1305:** A BILL for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to the location of public meetings.

**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 93 YEAS, 1 NAY, 0 EXCUSED, 0 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, 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; Nicholas; 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; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Wieland

Engrossed HB 1305 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1333:** A BILL for an Act to amend and reenact subsection 3 of section 54-35.2-02 and section 54-35.2-05 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations.

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

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

**NAYS:** Amerman; Ekstrom; Gulleson; Kelsh, S.; Koppelman; Maragos; Timm; Warner

Engrossed HB 1333 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1343:** A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to unlawfully taking big game animals; 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 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter;

Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Delzer; Froelich; Kerzman; Ruby; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Price

Engrossed HB 1343 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees for farm vehicles.

#### 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 76 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Belter; Boe; Carlson; DeKrey; Delzer; Froelich; Froseth; Grosz; Kerzman; Koppelman; Monson; Nelson; Onstad; Porter; Rennerfeldt; Ruby; Thorpe; Wrangham

Engrossed HB 1346 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1363:** A BILL for an Act to amend and reenact section 49-05-06 of the North Dakota Century Code, relating to public service commission rates change hearings.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; 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; Speaker Wentz

Engrossed HB 1363 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1372:** A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to local emergency personnel notification regarding roadways blocked by unit trains.

**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 85 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Belter; Boe; Delzer; Eckre; Froelich; Kerzman; Rennerfeldt; Wrangham

Engrossed HB 1372 passed and the title was agreed to.

\*\*\*\*\*

**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 1037, HB 1056, HB 1119, HB 1120, HB 1137, HB 1221, HB 1250, HB 1251, HB 1279, HB 1288, HB 1310, HB 1386, HB 1436.

**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 1298.

**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 2151, SB 2212.

**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 2030, SB 2037, SB 2111, SB 2127, SB 2150, SB 2192, SB 2198, SCR 4005, SCR 4009, SCR 4010.

**FIRST READING OF SENATE BILLS**

**SB 2130:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to reappointment of members of the racing commission.

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

**SB 2134:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 37-02-06 and section 37-03-01 of the North Dakota Century Code, relating to the appointment of the adjutant general.

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

**SB 2168:** A BILL for an Act to amend and reenact section 60-01-34 of the North Dakota Century Code, relating to the assumption of lost property or money by a finder.

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

**SB 2180:** A BILL for an Act to amend and reenact section 61-24.5-04 of the North Dakota Century Code, relating to compensation of the members of the board of directors of the southwest water authority.

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

**SB 2196:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership of the state board of animal health.

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

**SB 2202:** A BILL for an Act to amend and reenact sections 43-35-17 and 43-35-23 of the North Dakota Century Code, relating to continuing education requirements for water well contractors; and to provide an effective date.

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

**SB 2229:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 51-05.1-03 of the North Dakota Century Code, relating to grounds for refusal, suspension, or revocation of an auctioneer's or auction clerk's license.

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

**SB 2254:** A BILL for an Act to amend and reenact section 2-05-18 of the North Dakota Century Code, relating to a license for aerial spraying.

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

**SB 2270:** A BILL for an Act to amend and reenact sections 40-16-04 and 40-16-05 of the North Dakota Century Code, relating to preparation and publication of the city financial statement.

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

#### REPORT OF STANDING COMMITTEE

**HB 1035: 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 1035 was placed on the Sixth order on the calendar.

Page 19, remove lines 27 through 29

Page 19, line 30, replace "20." with "19."

Page 21, line 1, replace "21." with "20."

Page 21, line 10, replace "22." with "21."

Page 22, line 2, replace "23." with "22."

Page 22, line 9, replace "24." with "23."

Page 23, line 3, replace "25." with "24."

Page 23, line 6, replace "26." with "25."

Page 23, line 8, replace "27." with "26."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1054: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1054 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "~~two~~"

Page 2, line 6, remove "three" and remove "six hundred"

Page 2, line 11, remove the overstrike over "~~one~~", remove "two", remove the overstrike over "~~six~~", remove "eight", and remove "eighty"

Page 2, line 17, remove the overstrike over "~~one~~"

Page 2, line 18, remove "two", remove the overstrike over "~~two~~", remove "one", and remove "sixty"

Page 2, line 24, remove the overstrike over "~~eight~~", remove "one thousand four", and remove "forty"

Page 2, line 29, remove the overstrike over "~~four~~"

Page 2, line 30, remove "seven" and remove "twenty"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1172, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1172 was placed on the Sixth order on the calendar.

Page 1, line 2, after "gambling" insert "; and to provide an expiration date"

Page 1, after line 18, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2005, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1208: 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 1208 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Purposely or knowingly" with "Willfully"

Page 1, remove line 10

Page 1, line 11, replace "3. Purposely or knowingly" with "2. Willfully" and remove "of an insulting or provoking nature"

Page 1, line 12, after "with" insert "oneself or gestures, in a manner designed to insult or provoke"

Page 1, line 13, replace "4. Purposely or knowingly" with "3. Willfully"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1215: 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 1215 was placed on the Sixth order on the calendar.

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

Page 1, line 17, remove "with a minimum fine of five"

Page 1, line 18, remove "hundred dollars" and after the period insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1289: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "twenty-five" with "the amount of the employer-provided child care credit allowed to that employer under Internal Revenue Code section 45F [26 U.S.C. 45F], which is attributable to amounts paid or incurred to or for qualified child care facilities in this state.

2. An employer is not entitled to the credit under this section unless the employer offers a benefit of comparable worth to its employees who do not use the employer's employee child care program or child care contribution."

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 27

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1294: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1294 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1295: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "the following information"

Page 1, line 9, after "to" insert "each teacher and class of", remove the overstrike over "~~and with respect to~~" and insert immediately thereafter "each administrator and class of", and remove the overstrike over "~~administrators~~" and insert immediately thereafter ", the total amount paid or provided as"

Page 1, line 10, overstrike "a. The total amount of", remove "salaries paid to teachers", and overstrike the period

Page 1, line 11, overstrike "b. The total amount of compensation"

Page 1, line 12, remove "paid to or provided to teachers for duties beyond"

Page 1, remove line 13

Page 1, line 14, remove "subdivision b of subsection 4" and overstrike the period

Page 1, line 15, overstrike "c."

Page 1, line 23, remove "The total amount of benefits paid to"

Page 1, line 24, remove "teachers."

Page 2, replace lines 1 through 3 with:

- "a. Base salary.
- b. Compensation for an extended contract.
- c. Compensation for cocurricular activities.
- d. Any other compensation.
- e. Health insurance benefits.
- f. Dental insurance benefits.
- g. Vision insurance benefits.
- h. Life insurance benefits.
- i. Long-term disability insurance benefits.
- j. Supplemental retirement plan contributions.
- k. Retirement contributions and assessments, including individual shares if paid by the district.
- l. Social security contributions.
- m. Any other benefits."

Page 2, line 4, after "2." insert "In addition to the requirements of subsection 1, each school district shall also indicate:

- a. Whether each individual teacher and administrator is employed on a full-time or a part-time basis.

- b. The number of days used to determine the base salary of each individual employed as a teacher or as an administrator.

3." and remove the overstrike over the overstruck colon

Page 2, line 5, remove the overstrike over "a. ~~Compile the information required by~~", after "4" insert "this section", and remove the overstrike over "in a manner that allows for"

Page 2, line 6, remove the overstrike over "~~accurate comparisons~~"

Page 2, line 10, after the overstruck period insert "; and"

Page 2, line 11, remove the overstrike over "~~b. Forward~~" and remove "forward"

Page 2, line 13, overstrike "3." and insert immediately thereafter:

- "4. The superintendent of public instruction may not expand the reporting requirements provided in this section.

5."

Page 2, line 17, overstrike "4." and insert immediately thereafter "6."

Page 2, line 18, overstrike "means" and insert immediately thereafter "includes" and after "individual" insert "who is"

Page 2, line 19, overstrike "includes a" and insert immediately thereafter "who is classified by the superintendent of public instruction as:

(1) A class 67" and overstrike ", an" and insert immediately thereafter ";

(2) A class 66"

Page 2, line 20, overstrike the first ", a" and insert immediately thereafter ";

(3) A class 53", overstrike ", an" and insert immediately thereafter ";

(4) A class 05", and overstrike the second ", a" and insert immediately thereafter ";

(5) A class 29 director, including a"

Page 2, line 21, overstrike the first comma and insert immediately thereafter "and" and overstrike ", and any" and insert immediately thereafter ";

(6) A class 04 assistant director; and

(7) Any"

Page 2, line 27, overstrike "of July 1, 2001, as"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1314: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1314 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1327: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "the net" with "North Dakota taxable", replace "from" with "attributable to", and replace "established" with "operating"

Page 1, line 8, remove "after June 30, 2003,"

Page 1, line 12, remove "For"

Page 1, remove line 13

Page 1, line 14, remove "qualifying location."

Page 1, line 16, replace "must be reduced by seventy-five" with "is twenty-five" and after "percent" insert "of taxable income"

Page 1, line 17, replace "by" with "is" and after "percent" insert "of taxable income"

Page 1, line 18, replace "by twenty-five" with "is seventy-five" and after "percent" insert "of taxable income"

Page 1, line 19, after the period insert "A corporation granted a new and expanding business exemption under chapter 40-57.1 is not entitled to the reduction under this subdivision."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353: 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 1353 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 5, line 25, remove "phenylpropanolamine."

Page 6, line 14, after "drugs" insert "calculated in terms of ephedrine HCl and pseudoephedrine HCl"

Page 6, line 21, after "of" insert "nonliquid"

Page 6, line 24, replace the first "base," with "HCl and" and replace "base, and phenylpropanolamine base" with "HCl"

Page 6, line 25, replace "For nonliquid products, sales" with "Sales"

Page 8, after line 9, insert:

"9. A political subdivision, including a home rule city or county, may not enact any ordinance relating to the sale by a retail distributor of over-the-counter products containing ephedrine, pseudoephedrine, or phenylpropanolamine. Any existing ordinance is void.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1356: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1356 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 relating to the use of funds on behalf of division I designation within the national collegiate athletic association."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. National collegiate athletic association - Division I member institutions - Use of funds - Exception.**

1. The state board of higher education and the institutions under the control of the board may not expend state general fund moneys for any activity directly or indirectly related to an institution's designation as a division I member institution within the national collegiate athletic association.
2. The state board of higher education and the institutions under the control of the board may not expend any moneys generated by an increase in student fees above the level at which the fees were set on June 30, 2003, for any activity directly or indirectly related to an institution's designation as a division I member institution within the national collegiate athletic association.
3. This Act does not apply to expenditures for any division I athletic program in existence before January 1, 2001."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1360: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1360 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1401: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1401 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1419: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1419 was placed on the Eleventh order on the calendar.

**MOTION**

**REP. MONSON MOVED** that the absent member 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 1:00 p.m., Thursday, February 6, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

