

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, February 27, 2003

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

The prayer was offered by Rev. Bob Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Boe, DeKrey, Mueller, Severson, and Zaiser.

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

Page 603, line 11 after to insert the following: "HB 1001, HB 1004, HB 1005, HB 1010, HB 1011, HB 1012, HB 1017, HB 1020, HB 1021, HB 1231, HB 1268"

Page 603, line 12 remove "HB 1403"

Page 603, line 17 remove "HB 1403"

Page 603, line 17 insert the following: "HB 1001, HB 1004, HB 1005, HB 1010, HB 1011, HB 1012, HB 1017, HB 1020, HB 1021, HB 1231, HB 1268"

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

MOTION

REP. BERG MOVED that SB 2210 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that SB 2039 be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to amend and reenact sections 14-17-01 and 14-17-03, subsection 1 of section 14-17-04, subsection 1 of section 14-17-05, and sections 14-17-08 and 14-17-24 of the North Dakota Century Code, relating to the Uniform Parentage Act.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; 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; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Boe; DeKrey; Mueller; Zaiser

SB 2034 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act relating to trusts for individuals with disabilities.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; 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; 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; Speaker Wentz

ABSENT AND NOT VOTING: Boe; DeKrey; Mueller; Zaiser

SB 2047 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact sections 57-38-11, 57-38-14, and 57-38-30 of the North Dakota Century Code, relating to obsolete corporate income tax provisions; and to repeal sections 57-38-12 and 57-38-13 of the North Dakota Century Code, relating to obsolete corporate income tax provisions.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; 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; 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; Speaker Wentz

ABSENT AND NOT VOTING: Boe; DeKrey; Mueller; Zaiser

SB 2091 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to requirements for claiming a credit for income tax paid to another state; to amend and reenact subsections 2 and 6 of section 57-38-04 of the North Dakota Century Code, relating to requirements for claiming a credit for income tax paid to another state; and to provide an effective date.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; 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; 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; Speaker Wentz

ABSENT AND NOT VOTING: Boe; DeKrey; Mueller; Zaiser

SB 2098 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

HB 1504: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1504 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038, as engrossed: 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). Engrossed SB 2038 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Any record or" with "Security"

Page 1, line 8, remove "portion of a record containing security"

Page 1, line 10, replace "is" with "are"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2043, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2046, as engrossed: 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). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 11, line 16, remove the overstrike over "section", after "26.1-26.15.1" insert "26.1-26.13.3", and remove the overstrike over "and"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2075: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2078, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2080: 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). SB 2080 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "emergency purposes" and insert immediately thereafter "as provided in this section"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2092: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2105 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2106 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2108: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2108 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2126 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2127, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2128: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2128 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2143: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 43-45-05.1 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 43-45-05.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall issue an initial one-year license as an addiction counselor to an applicant who:
 - a. Has successfully completed coursework, approved by the board, at an accredited college or university;
 - b. Has successfully completed ~~an examination~~ one or more oral or written examinations approved by the board for this purpose;
 - c. Has successfully completed an addiction counselor training program approved by the board, a practicum, and a work experience or internship; and
 - d. Has satisfied the board that the applicant agrees to adhere to the code of professional conduct adopted by the board."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2292: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2292 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2301: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2301 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3030 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3054: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3055: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3056 was placed on the Sixth order on the calendar.

Page 1, line 5, after "in" insert "an insurance fund managed by" and after "Fund" insert "or other like entity"

Page 1, line 23, after "in" insert "an insurance reserve fund managed by" and after "Fund" insert "or other like entity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3059: 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). HCR 3059 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "the uncertainty of a fair judgment and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3062: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3062 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3064: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3064 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3065: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3065 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3066: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3066 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3068: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3068 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3070: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3070 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, Ninth, Eleventh, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 28, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk