

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, February 28, 2003

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

The prayer was offered by Rev. Scott Bauman, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Kempenich, Kerzman, Nicholas, 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 Fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 93, line 10 insert the following:

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1075 and HB 1121 be adopted, which motion prevailed.

HB 1075 and HB 1121, as amended, were placed on the Eleventh order of business on the calendar.

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

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HCR 3056, HCR 3059, SB 2038, SB 2046, SB 2080, SB 2099 and SB 2143 be adopted, which motion prevailed.

HCR 3056 and HCR 3059, as amended, were placed on the Eleventh order of business on the calendar.

SB 2038, SB 2046, SB 2080, SB 2099 and SB 2143, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution for the amendment of section 2 of article V of the Constitution of North Dakota, relating to changing the name of the insurance commissioner to finance services commissioner.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: 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; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Speaker Wentz

ABSENT AND NOT VOTING: Gulleson; Kempenich; Kerzman; Zaiser

HCR 3030 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3066: A concurrent resolution directing the Legislative Council to study ways to coordinate public funding for employment-based health insurance for low-income and modest-income children and working families.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 67 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsh, S.; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Zaiser

HCR 3066 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3068: A concurrent resolution directing the Legislative Council to study the state's children's health insurance program and the medical assistance program and the most efficient manner of implementing these programs.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 66 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsh, S.; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Zaiser

HCR 3068 lost.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to designate the offices responsible for restitution collection and enforcement activities.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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.; 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; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Zaiser

Engrossed SB 2043 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact subsection 5 of section 54-44-04.6 of the North Dakota Century Code, relating to the distribution of proceeds from the sale of surplus property.

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; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Williams; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Wikenheiser; Zaiser

SB 2075 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to amend and reenact subsection 1 of section 44-08-04.2 and sections 44-08-04.5, 44-08-05.1, and 54-06-06 of the North Dakota Century Code, relating to travel advances, direct payment of lodging expenses, payment approval requirements, and periodic salary payments for state employees; and to repeal sections 44-08-08 and 54-06-16 of the North Dakota Century Code, relating to per diem oath and penalty and minimum wage for state employees.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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.; 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; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Zaiser

Engrossed SB 2078 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 28-32-01, section 50-06.1-16, subsection 1 of section 52-02-06, sections 54-06-25, 54-23.3-05, 54-23.3-06, 54-44.3-01, 54-44.3-02, 54-44.3-11, and 54-44.3-30, subsection 3 of section 54-52.6-01, and subsection 5 of section 54-57-01 of the North Dakota Century Code, relating to changing the name of the central personnel division to North Dakota human resource management services and revising references to the central personnel system.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlson; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham

NAYS: Carlisle; Clark; Iverson; Thoreson; Weiler; Speaker Wentz

ABSENT AND NOT VOTING: Kempenich; Kerzman; Zaiser

SB 2092 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 unchanged: SB 2034, SB 2047, SB 2091, SB 2098.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4035.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1233.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1033, HB 1061, HB 1063, HB 1104, HB 1105, HB 1121, HB 1201, HB 1379, HCR 3001.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4035: A concurrent resolution directing the Legislative Council to study legislative alternatives to foster and promote economic development in areas on or near the Indian reservations in North Dakota, including rural areas near Indian reservations.

Was read the first time and referred to the **Finance and Taxation Committee**.

REPORT OF STANDING COMMITTEE

HCR 3053: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3053 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first "the" insert "privacy," and after "health" insert a comma

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3057: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (5 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3057 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3060: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3060 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3063: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3063 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2050: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2051: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2056: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2082: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2110: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2132: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2187: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2202, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2209: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2243 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2309, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2384: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "annuity" with ""annuity""

Page 1, line 9, remove "a lump sum of"

Page 1, line 11, after the period insert "The term does not mean an employee benefit that qualifies for favorable tax treatment under the Internal Revenue Code or a plan described in the Internal Revenue Code as a retirement plan under which contributions must end and withdrawals begin by age seventy and one-half."

Page 2, line 2, remove "life expectancy tables published by"

Page 2, line 7, replace "1396r" with "1396r-5"

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, Ninth, Twelfth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 3, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk