

**JOURNAL OF THE HOUSE****Fifty-ninth Legislative Assembly**

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**Bismarck, January 12, 2005**

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

The prayer was offered by Rev. Ray Branstiter, Tri-County Ministries from Cooperstown.

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

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1140 be adopted, which motion prevailed.

HB 1140, as amended, was placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. KRETSCHMAR MOVED** that HCR 3006 be returned to the House Floor from the Committee of Political Subdivisions, which motion prevailed.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Maragos, Kretschmar and Sens. Flakoll, Syverson introduced:

**HCR 3006:** A concurrent resolution recognizing Roger Maris on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame.

Was read the first time.

**MOTION**

**REP. KRETSCHMAR MOVED** that the rules be suspended, that HCR 3006 not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Maragos, Kretschmar and Sens. Flakoll, Syverson introduced:

**HOUSE CONCURRENT RESOLUTION NO. 3006**

A concurrent resolution recognizing Roger Maris on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame.

**WHEREAS**, Roger Maris was an outstanding athlete in several competitive sports at Fargo Shanley High School, played professional baseball in Fargo, and went on to play for four major league baseball teams in both major leagues in a distinguished 12-year major league career; and

**WHEREAS**, Roger Maris hit 275 career home runs and drove in 851 runs in major league regular season play and played a key role in the success of seven World Series teams and three World Champion teams and is among a handful of players to hit a World Series home run for a team from each league; and

**WHEREAS**, Roger Maris captured the attention and imagination of America as few in the sports world have, when his outstanding season challenged and surpassed baseball's most cherished record held by the immortal Babe Ruth, and Roger Maris accomplished the unparalleled feat of hitting 61 home runs against 46 different pitchers while striking out only 67 times during the 1961 season, a feat made more remarkable by the unceasing pressure exerted upon him by the press and public attention; and

**WHEREAS**, Roger Maris was a fleet outfielder, renowned equally for his skill with a glove as for his prowess as an outstanding hitter, and displayed remarkable abilities on defense for which he received a Gold Glove Award; and

**WHEREAS**, Roger Maris was selected as the most valuable player in the American League in consecutive seasons, 1960 and 1961, and probably achieved more in baseball with less appreciation from sportswriters and fans than any other player, which is an injustice that could be rectified by the Committee on Baseball Veterans; and

**WHEREAS**, members of the Committee on Baseball Veterans, being among the greatest to ever play the game, can appreciate better than sportswriters ever could that Roger Maris was among the elite players of his era and what he endured in his career; and

**WHEREAS**, until his death in 1985, Roger Maris gave unsparingly of himself to causes for the assistance of deprived, handicapped, and underprivileged children and adults and served with Shirley Temple Black as cochairman of the national campaign for the Multiple Sclerosis Society in 1962; and

**WHEREAS**, Roger Maris was the recipient of the Theodore Roosevelt Rough Rider Award in 1963, which is the highest recognition the state of North Dakota can bestow upon present or former North Dakotans;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-ninth Legislative Assembly takes great pleasure in recognizing Roger Maris for his outstanding accomplishments both in and out of major league baseball and respectfully urges the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame as a well-deserved tribute to his outstanding major league career and his inspiration to youth through his exemplary conduct on and off the baseball diamond; and

**BE IT FURTHER RESOLVED**, that the Secretary of State send an enrolled copy of this resolution to each member of the Committee on Baseball Veterans of the Baseball Hall of Fame.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3006:** A concurrent resolution recognizing Roger Maris on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Roger Maris to the Baseball Hall of Fame.

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

HCR 3006 was declared adopted on a voice vote.

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#### **MOTION**

**REP. NICHOLAS MOVED** that HB 1298 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

#### **MOTION**

**REP. PRICE MOVED** that HB 1332 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

#### **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: HCR 3006.

#### **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 1044, HB 1054, HB 1073, HB 1078, HB 1084, HB 1087, HB 1088, HB 1090, HB 1091, HB 1095, HB 1096, HB 1131, HB 1132, HB 1133, HB 1141, HB 1147, HB 1204.

#### **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 2071, SB 2073, SB 2084, SB 2091, SB 2131, SB 2139, SCR 4002.

#### **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 4006, SCR 4007, SCR 4008.

#### **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, January 13, 2005, which motion prevailed.

#### **FIRST READING OF HOUSE BILLS**

Reps. S. Meyer, Drovdal, Kempenich, Rennerfeldt and Sens. Bowman, Wardner introduced:

**HB 1344:** A BILL for an Act to create and enact a new subsection to section 47-30.1-16.1 of the North Dakota Century Code, relating to treatment of mineral interests under the

Unclaimed Property Act; and to amend and reenact section 38-18.1-03 of the North Dakota Century Code, relating to termination of mineral interests.

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

Reps. Conrad, Delmore, Nicholas and Sens. Fischer, Wardner introduced:

**HB 1345:** A BILL for an Act to create and enact a new section to chapter 26.1-23.1 and a new section to chapter 32-03 of the North Dakota Century Code, relating to nonprofit organization participation in a government self-insurance pool and the liability of a nonprofit organization.

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

Reps. Thoreson, Horter, Kingsbury and Sens. Flakoll, Klein, O'Connell introduced:

**HB 1346:** A BILL for an Act to amend and reenact section 19-03.4-08 of the North Dakota Century Code, relating to retail sale of a methamphetamine precursor drug; and to provide a penalty.

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

Reps. N. Johnson, Ekstrom, Hawken and Sens. Grindberg, Heitkamp introduced:

**HB 1347:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the payment of wages by stored-value card.

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

Reps. Delmore, DeKrey, Hawken and Sens. Nelson, Trenbeath introduced:

**HB 1348:** A BILL for an Act to amend and reenact sections 14-07.1-01, 14-07.1-10, and 14-07.1-12 of the North Dakota Century Code, relating to domestic violence arrest procedures and reports.

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

Reps. Gulleason, DeKrey, Delmore, Kroeber and Sens. Heitkamp, Thane introduced:

**HB 1349:** A BILL for an Act to restrict the marketing of credit cards to students.

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

Reps. Maragos, D. Johnson and Sens. Heitkamp, Nelson introduced:

**HB 1350:** A BILL for an Act to amend and reenact sections 23-13-15 and 47-16-13.1 of the North Dakota Century Code, relating to rentals to the hearing-impaired.

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

Reps. Iverson, Ruby, Svedjan, Thoreson and Sens. Freborg, Syverson introduced:

**HB 1351:** A BILL for an Act to provide for the secretary of state to study the state's incorporation system.

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

Reps. S. Meyer, Froelich, Nelson, Onstad and Sens. Krauter, Lyson introduced:

**HB 1352:** A BILL for an Act to amend and reenact section 43-01-15.1 of the North Dakota Century Code, relating to apportionment of abstractor fees.

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

Reps. Haas, Metcalf and Sen. Urlacher introduced:

**HB 1353:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the labeling of organic seed.

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

Reps. Metcalf, D. Johnson, Mueller, Nicholas and Sens. Andrist, Robinson introduced:

**HB 1354:** A BILL for an Act to amend and reenact subsection 18 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy for a county veterans' service officer; and to provide an effective date.

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

Reps. Metcalf, Amerman, Froseth, Mueller and Sens. Andrist, Robinson introduced:

**HB 1355:** A BILL for an Act to amend and reenact sections 37-15-07, 37-15-08, 37-15-14.1, 37-15-16, 37-15-17, 37-15-18, 37-15-19, 37-15-21, and 37-18.1-04 of the North Dakota Century Code, relating to the title of the administrator of the veterans' home.

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

Reps. Bernstein, Aarsvold, Brandenburg, Grande and Sens. Grindberg, Syverson introduced:

**HB 1356:** A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to group deer hunting.

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

Reps. Monson, Brandenburg, Pollert, Weisz and Sen. Trenbeath introduced:

**HB 1357:** A BILL for an Act to amend and reenact subsection 4 of section 39-12-02 of the North Dakota Century Code, relating to longer combination vehicle permits.

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

Reps. Herbel, Haas, Hanson, Williams and Sens. Freborg, G. Lee introduced:

**HB 1358:** A BILL for an Act to amend and reenact section 15.1-15-12 of the North Dakota Century Code, relating to the applicability of teacher and administrator contracts; and to repeal section 15.1-15-03 of the North Dakota Century Code, relating to the employment of teachers and administrators after January first.

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

Reps. Kreidt, Galvin, Uglen and Sen. Brown introduced:

**HB 1359:** A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges a licensed nursing facility or basic care facility may charge on medical bills.

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

Reps. Haas, Herbel, Horter and Sens. Hacker, Wardner introduced:

**HB 1360:** A BILL for an Act to amend and reenact section 15-62.1-02 of the North Dakota Century Code, relating to loans for part-time students.

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

Reps. L. Meier, Froseth, Grande, Kasper and Sens. Krebsbach, Nelson introduced:

**HB 1361:** A BILL for an Act to amend and reenact subsection 7 of section 15-39.1-30 of the North Dakota Century Code, relating to confidentiality of teachers' fund for retirement records.

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

Reps. Hanson, Kroeber introduced:

**HB 1362:** A BILL for an Act to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of students who participate in open enrollment.

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

Reps. Horter, Delmore, Thoreson and Sens. Espeland, O'Connell, Wardner introduced:

**HB 1363:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to tuition at institutions of higher education.

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

Reps. Grande, Iverson, Sitte and Sens. Freborg, Hacker introduced:

**HB 1364:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to English pronunciation requirements for individuals instructing students.

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

Reps. Sitte, Grande, Kasper and Sens. Cook, Erbele, Mutch introduced:

**HB 1365:** A BILL for an Act to amend and reenact section 15.1-21-06 of the North Dakota Century Code, relating to participation in the No Child Left Behind Act of 2001.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 3007:** A concurrent resolution declaring Monday, February 14, 2005, "North Dakota Close-Up Day".

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

#### **REPORT OF STANDING COMMITTEE**

**HB 1042: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1042 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1079: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1080: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1083: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1114: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1114 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1117: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1144: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1144 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1145: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1145 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1164: 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). HB 1164 was placed on the Sixth order on the calendar.

Page 3, line 12, after "~~association~~" insert "association's common stock, surplus, and undivided profits as of the most recent report of condition and income" and remove the overstrike over "~~For the purpose~~"

Page 3, remove the overstrike over lines 13 and 14

Page 3, line 15, remove the overstrike over "~~source:~~"

Page 3, line 22, remove "association's common stock, surplus,"

Page 3, remove line 23

Page 3, line 24, remove "board shall adopt rules for the implementation and enforcement of this section" and overstrike the period

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1168: 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). HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 9, after "institutions" insert ", credit unions,"

Page 2, line 30, after "institution" insert ", credit union,"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1188: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1190: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1190 was placed on the Sixth order on the calendar.

Page 2, line 6, after "beds" insert "or any new facility"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1191: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "converts" with "reverts"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1208: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1219: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3001 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "does not have legal" with "has limited"

Page 1, line 6, after "reservations" insert "and seeks to resolve problems and issues between the two governments in a respectful and trusting manner"

Page 1, line 7, replace "many" with "some"

Page 1, line 9, after the comma insert "separate child support payment records may be maintained by the State of North Dakota and a sovereign Indian Nation, creating the potential for unnecessary collection activities and" and remove "can occur"

Page 1, line 11, replace "the Lake Region Child Support Enforcement Unit's performance has" with "federal regulations recently have"

Page 1, replace line 12 with "adopted providing for direct funding of tribal child support enforcement programs; and"

Renumber accordingly

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

**Bradley C. Fay, Chief Clerk**