

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, January 26, 2001

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

The prayer was offered by Pastor Jim McEachran, Bethel Assembly of God, Mandan.

The roll was called and all members were present except Representatives Boucher, Brandenburg, DeKrey, Fairfield, Huether, Kempenich, and Thorpe.

A quorum was declared by the Speaker.

## PRESENTATION OF PETITION AND COMMUNICATIONS

**MR. SPEAKER:** On Thursday, January 18, 2001, the House Appropriations Committee - Government Operations Division held a hearing on the community services block grant moneys anticipated by the Office of Management and Budget during the period beginning October 1, 2001, and ending September 30, 2003. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Appropriations Committee - Government Operations Division during the block grant hearing, the House Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Office of Management and Budget includes the legislative action regarding the use of the federal block grant funds.

## SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1058, HB 1065, HB 1105, HB 1106, HB 1116, HB 1233, and HB 1234 be adopted, which motion prevailed.

HB 1058, HB 1065, HB 1105, HB 1106, HB 1116, HB 1233, and HB 1234, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. BELTER MOVED** that HB 1241 and HB 1325, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

## REQUEST

**REP. MARAGOS REQUESTED** the unanimous consent of the House to withdraw HB 1463. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. NICHOLAS MOVED** that HB 1246, which is on the Eighth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1246 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1135:** A BILL for an Act to amend and reenact section 52-09-08, subsection 36 of section 57-15-06.7, and subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to limitations on the levy by counties for comprehensive health care insurance programs; and to provide an effective date.

## 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 88 YEAS, 3 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol;

Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Herbel; Klein, M.

**ABSENT AND NOT VOTING:** Boucher; Brandenburg; DeKrey; Fairfield; Huether; Kempenich; Thorpe

HB 1135, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1190:** A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to recognition of federal income tax child tax credits on the short-form individual income tax return; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 85 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Kasper; Klein, M.; Maragos; Ruby; Wentz

**NAYS:** Aarsvold; Belter; Berg; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Brandenburg; DeKrey; Fairfield; Huether; Kempenich; Thorpe

HB 1190, as amended, was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1282:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to reimbursements from medical assistance; and to amend and reenact sections 23-27-04 and 23-27-04.1 of the North Dakota Century Code, relating to nonmedically necessary ambulance transports.

### 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 75 YEAS, 18 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Boucher; Delmore; Ekstrom; Froelich; Grumbo; Guleson; Hanson; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Niemeier; Sandvig; Schmidt; Solberg; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Thorpe

HB 1282, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1047:** A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to challenging the right of a person to vote.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 61 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Boehm; Boucher; Brekke; Byerly; Carlson; Clark; Cleary; DeKrey; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grumbo; Gulleston; Haas; Hanson; Herbel; Hunskor; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Lemieux; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Solberg; Svedjan; Thoreson, B.; Tieman; Timm; Wald; Weisz; Winrich

**NAYS:** Aarsvold; Bellew; Brusegaard; Carlisle; Delmore; Delzer; Disrud; Drovdal; Galvin; Grosz; Gunter; Hawken; Johnson, D.; Kingsbury; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Nicholas; Niemeier; Onstad; Schmidt; Skarphol; Thoreson, L.; Warner; Weiler; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Thorpe

HB 1047 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1103:** A BILL for an Act to amend and reenact sections 27-05-01, 27-05-02.1, and 27-05-05 of the North Dakota Century Code, relating to judicial districts, vacancies in the office of district judge, and the election of presiding judges.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Thorpe; Wald

HB 1103 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1127:** A BILL for an Act to repeal section 9 of chapter 541 of the 1997 Session Laws, relating to elimination of the expiration date of laws relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries.

**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 88 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom;

Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Carlson; Delzer; Grande; Skarphol; Wald

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Thorpe

HB 1127 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1129:** A BILL for an Act to amend and reenact section 65-07-03 of the North Dakota Century Code, relating to workers' compensation coverage for children of employers.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Thorpe

HB 1129 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1152:** A BILL for an Act to amend and reenact subsection 11 of section 65-01-02 of the North Dakota Century Code, relating to the definition of compensable injury for workers' compensation purposes; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Hunskor; Kempenich; Thorpe

HB 1152 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1211:** A BILL for an Act to create and enact a new subsection to section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of revenues among political subdivisions through the state aid distribution fund; to provide an expiration date; and to declare an emergency.

**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 72 YEAS, 20 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boehm; Boucher; Brekke; Brusegaard; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Bellew; Berg; Byerly; Carlson; Clark; Delzer; Ekstrom; Glassheim; Grande; Hawken; Kasper; Keiser; Kelsh, S.; Lloyd; Nottestad; Ruby; Thoreson, B.; Thoreson, L.; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Brandenburg; Fairfield; Huether; Kempenich; Maragos; Thorpe

HB 1211 passed, the title was agreed to, and the emergency clause was declared carried.

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**SPEAKER BERNSTEIN RECOGNIZED** former Rep. Dick Kunkel in the House Chamber.

**REPORT OF STANDING COMMITTEE**

**HB 1011: Appropriations Committee (Rep. Timm, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1011 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1018: Appropriations Committee (Rep. Timm, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1018 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1019: Appropriations Committee (Rep. Timm, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1019 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1035: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1035 was placed on the Sixth order on the calendar.

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

Page 1, line 3, replace "Telecommuting" with "SECTION 1. Telecommuting"

Page 2, after line 23, insert:

"SECTION 2. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1168: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a statement regarding interest on unpaid child support; and"

Page 1, line 16, replace "January" with "July"

Page 1, line 18, replace "January" with "July"

Page 1, after line 22, insert:

**"SECTION 2.** A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Child support order - Required interest statement. Each judgment or order requiring the payment of child support must include a statement that the child support obligation will accrue interest if not timely paid. Accrual of interest and validity of the order are not affected by a failure to include the statement required by this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1202: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "conversion"

Page 5, line 19, remove "conversion"

Page 5, line 21, after the second "services" insert "or create quick-response units in areas not already served" and replace "The program is limited to a" with "During the first year of the program, a maximum of five new quick-response units may receive a one-time five thousand dollar grant under this program and a maximum of twenty converting ambulance services may receive grants in the amount of five thousand dollars each year for a two-year period. During the second year of the program, the department shall distribute any remaining funds to converting ambulance services or to ten additional newly created quick-response units."

Page 5, remove lines 22 through 23

Page 5, line 25, replace "general fund in the state treasury" with "health care trust fund" and replace "\$200,000" with "\$225,000"

Page 5, line 27, remove "conversion"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1207: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1207 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1215: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1215 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1262: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1262 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 to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the

cost of disciplinary proceedings undertaken by the state board of podiatric medicine; and to amend and reenact section 43-05-03 of the North Dakota Century Code, relating to the state board of podiatric medicine.

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

**SECTION 1. AMENDMENT.** Section 43-05-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-05-03. Board of podiatric medicine - Appointment of members - Term of office - Qualifications - Vacancies - Duties - Quorum - Records.** The board of podiatric medicine consists of ~~five~~ six persons appointed by the governor for a term of four years each with the terms of office so arranged that ~~one term only expires~~ no more than two terms expire on the thirteenth day of June of each any year. A member of the board may not serve for more than two successive terms. A member may not be reappointed to the board after serving two successive terms unless at least two years have elapsed since the member last served on the board. Four members of the board must hold doctor of podiatric medicine degrees and must have practiced podiatric medicine in this state for at least two years before their appointment, ~~and the fifth person~~ one member must be a doctor of medicine; who holds a doctor of medicine degree and has practiced in this state for at least two years before the appointment, and one member, who is designated as a public member, must be a resident of this state, be at least twenty-one years of age, and may not be affiliated with any group or profession that provides or regulates health care in any form.

A member of the board shall qualify by taking the oath of office required of civil officers and shall hold office until a successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term. The board may employ and compensate attorneys, investigative staff, clerical assistants, or others to assist in the performance of the duties of the board.

A majority of the board constitutes a quorum to transact business, make any determination, or take any action. The board shall keep a record of its proceedings and of applications for licenses. Applications and records must be preserved for at least six years beyond the disposition of the application or record or the last annual registration of the licensee, whichever is longer.

**SECTION 2.** A new section to chapter 43-05 of the North Dakota Century Code is created and enacted as follows:

Costs of prosecution - Disciplinary proceedings. In any order or decision issued by the board in resolution of a disciplinary proceeding in which disciplinary action is imposed against a podiatrist, the board may direct the podiatrist to pay the board a sum not to exceed the reasonable and actual costs, including attorney's fees, incurred by the board in the investigation and prosecution of the case. When applicable, the podiatrist's license may be suspended until the costs are paid to the board."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1271: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1298: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1299: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1299 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1315: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1317: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).  
HB 1317 was placed on the Eleventh order on the calendar.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2137.

**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 2005, SB 2006, SB 2018, SB 2041, SB 2073, SB 2139, SB 2168, SB 2218, SB 2226, SCR 4002.

**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 2050.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1038, HB 1059, HB 1063.

**FIRST READING OF SENATE BILLS**

**SB 2078:** A BILL for an Act to create and enact five new sections to chapter 43-23 of the North Dakota Century Code, relating to real estate salesperson and broker errors and omissions insurance.

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

**SB 2105:** A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota Century Code, relating to the files and records of the division of juvenile services; and to amend and reenact section 27-20-51.1 of the North Dakota Century Code, relating to disclosure of information needed to apprehend juveniles.

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

**SB 2111:** A BILL for an Act to amend and reenact section 19-13.1-07 of the North Dakota Century Code, relating to the adulteration of commercial feeds.

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

**SB 2183:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of teacher signing bonuses by school boards.

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

**SB 2185:** A BILL for an Act to amend and reenact section 10-06.1-10 of the North Dakota Century Code, relating to payments in lieu of taxes on farmland or ranchland acquired by nonprofit organizations for conservation purposes; and to provide an effective date.

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

**SB 2230:** A BILL for an Act to amend and reenact sections 16.1-13-10 and 44-02-02 of the North Dakota Century Code, relating to filling a vacancy in a legislative office and resignation of a member of the legislative assembly; to repeal section 16.1-13-11 of the North Dakota Century Code, relating to the duty of the governor when a vacancy occurs in the legislative assembly; and to declare an emergency.

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

**SB 2240:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution by individual income taxpayers for programs and activities conducted by the silver-haired education association; to provide a continuing appropriation; and to provide an effective date.

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

**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 Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 29, 2001, which motion prevailed.



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

**MARK L. JOHNSON, Chief Clerk**

