

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, January 7, 2005

The House convened at 12:00 p.m., with Speaker Klein presiding.

The prayer was offered by Dr. Jim Hamilton, Executive Director, Dakota Southern Baptist District, Bismarck.

The roll was called and all members were present except Representatives Belter, Dietrich, Drovdal, Galvin, Iverson, Kempenich, Nicholas, and Sandvig.

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 1037 and HB 1060 be adopted, which motion prevailed.

HB 1037 and HB 1060, as amended, were placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

**HB 1036:** A BILL for an Act to amend and reenact sections 4-18.1-14, 14-07.1-18, and 23-20.1-10, subsection 5 of section 26.1-10-11, section 31-13-09, subsection 4 of section 43-15-42.2, and sections 47-30.1-30.1, 50-06-15, 50-19-15, and 50-25.1-14 of the North Dakota Century Code, relating to the release of confidential information; and to provide a penalty.

## 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 66 YEAS, 22 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Gullerson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Ruby; Schmidt; Solberg; Svedjan; Uglem; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Brandenburg; Carlson; Delzer; Devlin; Dosch; Grande; Headland; Iverson; Kreidt; Monson; Pollert; Rennerfeldt; Sitte; Skarphol; Thoreson; Thorpe; Timm; Wald; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Belter; Drovdal; Galvin; Kempenich; Nicholas; Sandvig

HB 1036 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1034:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to authorizing the attorney general to provide legal counsel to boards of health.

## 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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande;

Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Keiser; Ruby; Sitte

**ABSENT AND NOT VOTING:** Belter; Drovdal; Galvin; Nicholas; Sandvig

HB 1034 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1039:** A BILL for an Act to amend and reenact sections 51-05.1-01.1 and 51-05.1-04.1 of the North Dakota Century Code, relating to insurance requirements for auctioneers and auction clerks.

### 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 7 YEAS, 82 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boe; Boucher; Glassheim; Thorpe; Timm; Weisz

**NAYS:** Amerman; Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Drovdal; Galvin; Nicholas; Sandvig

HB 1039 lost.

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### MOTION

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

### MOTION

**REP. MONSON MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 10, 2005, which motion prevailed.

### 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 2070, SB 2080, SB 2097, SB 2104.

### FIRST READING OF HOUSE BILLS

Reps. Koppelman, Iverson, Kasper, Thoreson and Sen. Christmann introduced:

**HB 1241:** A BILL for an Act to provide for limited liability for a food producer, manufacturer, packer, distributor, carrier, holder, seller, marketer, trade association, or advertiser for a claim of injury resulting from weight gain, obesity, or any health condition related to weight gain.

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

Reps. Wieland, Kaldor, Vigesaa and Sen. Tallackson introduced:

**HB 1242:** A BILL for an Act to amend and reenact section 11-18-02.2 of the North Dakota Century Code, relating to filing of statements of full consideration.

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

Reps. Uglem, D. Johnson, Porter, Vigesaa and Sens. J. Lee, Warner introduced:  
**HB 1243:** A BILL for an Act to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to emergency medical services personnel training.  
Was read the first time and referred to the **Human Services Committee**.

Reps. Amerman, Gulleeson, Kaldor, Schmidt and Sen. Nelson introduced:  
**HB 1244:** A BILL for an Act to provide for leave for veterans on veterans' day.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Weisz, Kempenich and Sen. Klein introduced:  
**HB 1245:** A BILL for an Act to amend and reenact sections 39-12-01 and 39-12-03 of the North Dakota Century Code, relating to weight limitations.  
Was read the first time and referred to the **Transportation Committee**.

Reps. Vigesaa, Froelich, Uglem and Sens. Bowman, J. Lee, Warner introduced:  
**HB 1246:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for purchase of certain automated external defibrillators; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Froelich, Boe, DeKrey, Kerzman, Mueller and Sen. Krauter introduced:  
**HCR 3003:** A concurrent resolution directing the Legislative Council to study taxation of severed mineral interests, including the laws in other states and problems associated with severed mineral interests.  
Was read the first time and referred to the **Natural Resources Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1044: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1054: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1063: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1063 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1073: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1073 was placed on the Sixth order on the calendar.

Page 1, line 23, after "system" insert "for transfer to the old-age and survivors' insurance trust fund"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1091: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1091 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1095: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1096: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1096 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1097: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

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

**Bradley C. Fay, Chief Clerk**