

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, February 26, 2003

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

The prayer was offered by Rev. Robert Weiss, Bismarck Baptist Church.

The roll was called and all members were present except Representatives Onstad, Solberg, Williams, and Zaiser.

A quorum was declared by the Speaker.

**FIRST READING OF HOUSE BILL**

Reps. Berg, Keiser, Svedjan and Sens. Cook, Stenehjem, Wardner introduced:  
(Approved by the Delayed Bills Committee)

**HB 1504:** A BILL for an Act to provide for a legislative council study of the state's business climate; and to provide for an appropriation.

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

**FIRST READING OF SENATE BILLS**

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide for repayment of funding; and to declare an emergency.

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

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriation authority between agencies and institutions; to provide a statement of legislative intent; and to declare an emergency.

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

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide for the distribution of special education payments and contingent payments; and to provide a statement of legislative intent.

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

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to suspending payments into the permanent oil tax trust fund; to prohibit the payment of bonuses or temporary salary adjustments for extra working hours because of the legislative session; to provide a statement of legislative intent; and to provide an expiration date.

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

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; and to declare an emergency.

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

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide a line of credit and an appropriation for repayment; to authorize the state water commission to issue and sell evidences of indebtedness for the construction of water-related projects; to amend and reenact section 54-27-25 of the North Dakota Century Code, relating to allocation of the tobacco settlement trust fund; and to repeal chapter 61-38 of the North Dakota Century Code, relating to assumption of the section 404 program.

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

**SB 2025:** A BILL for an Act to provide an appropriation for defraying certain medical assistance expenses of the department of human services; and to declare an emergency.

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

**SB 2026:** A BILL for an Act providing an appropriation to the crop protection product harmonization and registration board.

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

**SB 2028:** A BILL for an Act to amend and reenact subsection 6 of section 53-06.2-05 and section 53-06.2-08 of the North Dakota Century Code, relating to the use of racing commission fee collections.

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

**SB 2052:** A BILL for an Act to amend and reenact section 40-23-22.1 of the North Dakota Century Code, relating to city flood control special assessments on privately owned structures, fixtures, and improvements, used for private commercial purposes, which are located on state-owned land; and to provide an effective date.

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

**SB 2065:** A BILL for an Act to amend and reenact section 15.1-21-08 of the North Dakota Century Code, relating to state assessment of public school students in reading, mathematics, and science.

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

**SB 2074:** A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to eligibility criteria for medical assistance benefits; to repeal section 5 of chapter 425 of the 2001 Session Laws; and to declare an emergency.

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

**SB 2083:** A BILL for an Act to amend and reenact section 50-06.2-03 of the North Dakota Century Code, relating to the eligibility resource limits of the service payments for elderly and disabled.

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

**SB 2086:** A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to implementation of a fee for service ratesetting system for payment to treatment or care centers for individuals with developmental disabilities; to repeal sections 25-16-10, 25-16-10.1, 25-16-15, 25-16-16, and 50-06-18 of the North Dakota Century Code, relating to the purchase of services provided to individuals with developmental disabilities and allowing providers of services to individuals with developmental disabilities to transfer funds between budget categories and line items; to provide an appropriation; and to provide an effective date.

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

**SB 2089:** A BILL for an Act to amend and reenact section 50-24.1-17 of the North Dakota Century Code, relating to medical assistance for breast or cervical cancer; to provide an effective date; and to declare an emergency.

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

**SB 2153:** A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a provider assessment for intermediate care facilities for the mentally retarded; and to provide a penalty.

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

**SB 2154:** A BILL for an Act to amend and reenact sections 15.1-27-04, 15.1-27-06, 15.1-27-07, 15.1-27-11, 15.1-27-37, and 15.1-27-39 of the North Dakota Century Code, relating to school district per student payments, weighting factors for per student payments, supplemental payments, and teacher compensation; and to provide an appropriation.

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

**SB 2222:** A BILL for an Act to create and enact four new sections to chapter 4-14.1 of the North Dakota Century Code, relating to ethanol production subsidies; to amend and reenact sections 4-14.1-07, 39-04-39, and 57-43.1-03.1 of the North Dakota Century Code, relating to the distribution of motor vehicle registration fees and the taxation of motor vehicle fuel for agricultural purposes; to repeal section 4-14.1-07 of the North Dakota Century Code, relating to the duration and limitation of ethanol plant production incentives; to provide for a continuing appropriation; and to provide an effective date.

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

**SB 2244:** A BILL for an Act to provide for the development and operation of wind turbines by public school districts; to create and enact a new subsection to section 15.1-09-33 of

the North Dakota Century Code, relating to the powers of school boards; and to amend and reenact subsection 5 of section 15.1-36-01 and subsection 4 of section 21-03-06 of the North Dakota Century Code, relating to school construction projects and school district bonds.

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

**SB 2248:** A BILL for an Act to create and enact three new sections to chapter 16.1-07 of the North Dakota Century Code, relating to providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating early voting precincts; and to amend and reenact subsection 2 of section 16.1-07-01 and sections 16.1-07-05, 16.1-07-06, 16.1-07-07, and 16.1-07-08 of the North Dakota Century Code, relating to absentee voting for federal offices by citizens who have never lived in the United States, applications for absent voter's ballots, and absentee voting.

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

**SB 2249:** A BILL for an Act to create and enact a new section to chapter 55-02 of the North Dakota Century Code, relating to protection of historical sites; to amend and reenact section 55-02-07 and subsection 2 of section 55-10-08 of the North Dakota Century Code, relating to the powers of the state historical board; and to declare an emergency.

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

**SB 2252:** A BILL for an Act to amend and reenact sections 43-07-04, 43-07-14, 43-07-15, and 43-07-19 of the North Dakota Century Code, relating to contractor's license, license complaints, hearings, revocations, civil penalties, remedies, and service of process; to provide for a legislative council study; and to provide a penalty.

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

**SB 2258:** A BILL for an Act to provide for creation of the Lake Agassiz water authority; and to amend and reenact section 61-24-04 of the North Dakota Century Code, relating to compensation of the members of the board of directors of the Garrison Diversion Conservancy District.

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

**SB 2259:** A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organizations.

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

**SB 2272:** A BILL for an Act to create and enact a new section to chapter 23-20.1 of the North Dakota Century Code, relating to x-ray operators.

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

**SB 2275:** A BILL for an Act to amend and reenact section 26.1-41-13 of the North Dakota Century Code, relating to coordination of benefits for automobile insurance; and to provide an effective date.

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

**SB 2282:** A BILL for an Act to amend and reenact sections 15-52-03, 15-52-04, 15-52-16, 15-52-17, 15-52-18, and 15-52-20 of the North Dakota Century Code, relating to the membership and duties of the medical center advisory council and medical center loans; and to repeal sections 15-52-19 and 15-52-24 of the North Dakota Century Code, relating to medical center loan payments and loan insurance.

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

**SB 2285:** A BILL for an Act to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to the parimutuel tax levied upon wagers.

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

**SB 2297:** A BILL for an Act to amend and reenact section 23-38-02 of the North Dakota Century Code, relating to the community health grant program; and to provide for an appropriation.

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

**SB 2299:** A BILL for an Act to amend and reenact sections 37-15-07, 37-15-10.1, and 37-18.1-03 of the North Dakota Century Code, relating to the administrator of the veterans' home and priorities for admission to the veterans' home; and to declare an emergency.

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

**SB 2311:** A BILL for an Act to create and enact a new chapter to title 54 and a new section to chapter 57-51.1 of the North Dakota Century Code, relating to creating and establishing an oil and gas research council and oil and gas research fund; and to provide a continuing appropriation.

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

**SB 2314:** A BILL for an Act to amend and reenact sections 57-38-30, 57-39.2-02.1, 57-39.2-08.2, 57-40.2-02.1, and 57-40.3-02 of the North Dakota Century Code, relating to corporate income tax rates and sales, use, and motor vehicle excise tax rates; to repeal sections 57-39.2-12.1 and 57-40.2-07.1 of the North Dakota Century Code, relating to a deduction to reimburse retailers for administrative expenses of sales and use tax collection; to provide for a legislative council study; to provide an effective date; and to provide an expiration date.

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

**SB 2320:** A BILL for an Act to amend and reenact subsection 75 of section 40-05-01 of the North Dakota Century Code, relating to the powers of a city governing body.

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

**SB 2331:** A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to the expenditure of public funds to assist programs and activities of nonprofit organizations.

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

**SB 2335:** A BILL for an Act to create and enact a new subdivision to subsection 4 of section 6-09-15, a new section to chapter 6-09, and a new subsection to section 10-30.5-04 of the North Dakota Century Code, relating to powers of the Bank of North Dakota and powers of the North Dakota development fund, incorporated; and to provide an expiration date.

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

**SB 2344:** A BILL for an Act to create and enact a new section to chapter 37-14 of the North Dakota Century Code, relating to the definition of veteran; and to amend and reenact sections 37-14-03.3, 37-14-04, 37-14-06, and 37-14-14 of the North Dakota Century Code, relating to references to veterans.

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

**SB 2346:** A BILL for an Act to create and enact three new sections to chapter 12-63 of the North Dakota Century Code, relating to membership on the peace officers standards and training board, temporary suspensions, and cost of prosecution; to amend and reenact sections 12-62-01, 12-62-01.1, 12-62-02, 12-62-07, 12-62-10, 12-63-01, 12-63-02, 12-63-03, 12-63-04, 12-63-05, 12-63-09, 12-63-10, and 12-63-12 of the North Dakota Century Code, relating to training responsibilities, statistics collection, and the peace officers standards and training board; to repeal sections 12-62-03, 12-62-05, 12-62-06, and 12-62-09 of the North Dakota Century Code, relating to law enforcement training; and to declare an emergency.

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

**SB 2348:** A BILL for an Act to create and enact sections 10-33-148 and 10-33-149 and a new subsection to section 50-24.4-15 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals and nursing homes and property-related costs for nursing homes; to amend and reenact sections 10-33-144, 10-33-145, 10-33-146, and 10-33-147 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals or nursing homes; and to provide a continuing appropriation.

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

**SB 2358:** A BILL for an Act to create and enact section 49-16-01.1 of the North Dakota Century Code, relating to indemnity provisions on transfer of railroad rights of way; to amend and reenact sections 49-16-05 and 60-06-06.1 of the North Dakota Century Code, relating to prohibition of railroad indemnity agreements in right-of-way leases; to provide for a legislative council study; to provide for application; and to provide an expiration date.

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

**SB 2360:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a loan program to assist students in truckdriver training programs; and to provide an appropriation.

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

**SB 2368:** A BILL for an Act to create and enact two new sections to chapter 40-23 of the North Dakota Century Code, relating to audits of special assessments when costs exceed estimates and future assessments on annexed property; and to provide an effective date.

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

**SB 2380:** A BILL for an Act to amend and reenact section 54-34.3-12 of the North Dakota Century Code, relating to the value-added agriculture promotion program.

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

**SB 2394:** A BILL for an Act to create and enact chapter 16.1-02 and two new sections to chapter 16.1-05 of the North Dakota Century Code, relating to providing a central voter file, verifying voter eligibility, and creating precinct maps and precinct locators; to amend and reenact sections 16.1-01-04, 16.1-05-06, and 54-09-08 of the North Dakota Century Code, relating to qualifications of voters, challenging voters, and fees received by the secretary of state; and to provide a penalty.

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

**SB 2398:** A BILL for an Act to provide for a transfer from the environment and rangeland protection fund to the minor use pesticide fund.

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

**SB 2403:** A BILL for an Act to create and enact three new sections to chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign contribution statements; and to amend and reenact sections 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, 16.1-08.1-03.7, 16.1-08.1-03.8, 16.1-08.1-04, 16.1-08.1-05, and 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contributions.

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

**SB 2405:** A BILL for an Act to amend and reenact sections 16.1-11-18 and 16.1-13-10 of the North Dakota Century Code, relating to filling vacancies occurring in nominations for party office and filling legislative vacancies.

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

**SB 2409:** A BILL for an Act to create and enact two new sections to chapter 16.1-01 and a new section to chapter 16.1-06 of the North Dakota Century Code, relating to the secretary of state establishing an election fund and adopting rules to establish a state-based voting grievance procedure and to certify and decertify electronic voting systems; to amend and reenact sections 16.1-01-01, 16.1-01-07, 16.1-05-04, 16.1-06-03, 16.1-06-04, 16.1-06-05, 16.1-06-08, 16.1-06-10.1, 16.1-06-11, 16.1-06-12, 16.1-06-14, 16.1-06-15, 16.1-06-17, 16.1-07-13, 16.1-13-22, 16.1-13-24, 16.1-13-25, 16.1-13-26, 16.1-13-29, 16.1-13-32, 16.1-13-33, 16.1-15-01, 16.1-15-09, 16.1-15-10, subsection 5 of section 16.1-16-01, and sections 16.1-16-07 and 40-21-09 of the North Dakota Century Code, relating to the duties of the secretary of state concerning administration of elections authorizing direct-recording electronic voting systems and prohibiting voting machines, electronic voting systems, and counting machines employing punch cards; to repeal sections 16.1-06-10, 16.1-06-13, 16.1-06-24, and 16.1-15-11 of the North Dakota Century Code, relating to voting machines, requirements for voting machines, violations for tampering with voting machines, preparation of punch card ballots, and locking and securing voting machines; and to declare an emergency.

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

**SB 2410:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to First Nations Day.

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

**SB 2416:** A BILL for an Act to provide an appropriation for capital projects of the state historical society of North Dakota; to authorize the industrial commission to issue and sell bonds for capital projects; and to declare an emergency.

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

**SB 2418:** A BILL for an Act to create an investigating committee regarding implementation of the No Child Left Behind Act of 2001; and to declare an emergency.

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

**REPORT OF STANDING COMMITTEE**

**SB 2034: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2034 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2039: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2039 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2047: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2047 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2091: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2098: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3072: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3072 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3074: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3074 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 and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, February 27, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**