

## JOURNAL OF THE HOUSE

### Fifty-eighth Legislative Assembly

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**Bismarck, February 20, 2003**

The House convened at 8:00 a.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Maury Millican, Bismarck Community Church.

The roll was called and all members were present except Representatives Boe, Eckre, Keiser, and Wald.

A quorum was declared by the Speaker.

#### COMPENSATION FOR LEGISLATIVE EMPLOYEES DURING RECESS

Monday, January 20, 2003, was Martin Luther King Day and Monday, February 17, 2003, was George Washington's birthday, both official state holidays. Although both days were paid holidays for most state employees, Legislative Assembly employees were required to work on both days. The Legislative Assembly will be in recess on Monday and Tuesday, February 24-25, 2003. Legislative Assembly employees will be paid for those two days in lieu of the two holidays.

Employees of the House of Representatives have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees of the House will be paid for Friday, February 21, 2003, even though the House will be in recess on that day.

#### SIXTH ORDER OF BUSINESS

**HB 1490, as engrossed: REP. BERG (Political Subdivisions Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1490:** A BILL for an Act to amend and reenact section 40-47-01.1 and subsection 1 of section 40-51.2-07 of the North Dakota Century Code, relating to the extraterritorial zoning authority of a city and annexation of territory by a city.

#### 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 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; DeKrey; Devlin; Froelich; Froseth; Herbel; Kempenich; Kingsbury; Koppelman; Kretschmar; Metcalf; Niemeier; Pietsch; Price; Ruby; Severson; Sitte; Uglem; Weiler; Wieland; Williams

**NAYS:** Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Klein, F.; Klein, M.; Klemm; Kreidt; Kroeber; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Warner; Warnke; Weisz; Wikenheiser; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Wald

Engrossed HB 1490 lost.

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#### MOTION

**REP. BERG MOVED** that the rules be suspended and HB 1218 be taken off the eleventh order be placed on the Sixth order, as amended, and after action taken on the Sixth order, that Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**HB 1218, as engrossed: REP. BERG (Natural Resources Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1218:** A BILL for an Act to amend and reenact subsection 3 of section 38-08-08 and subsection 3 of section 38-08-09.4 of the North Dakota Century Code, relating to carrying or otherwise financing nonparticipating lessees in the development of oil and gas interests in spacing units and plans of unitization.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Price; Wald

Engrossed HB 1218 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1497:** A BILL for an Act to provide for state government performance and accountability; and to create and enact a new subsection to section 54-44.1-06, relating to information included in the executive budget.

**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 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; 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; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

**NAYS:** Aarsvold; Froelich; Hanson; Kerzman; Kroeber; Speaker Wentz

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Wald

Engrossed HB 1497 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1350:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to creation of a special operations team reimbursement fund; and to provide a continuing appropriation.

**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, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Wrangham

**ABSENT AND NOT VOTING:** Boe; Eckre; Gulleeson; Keiser; Wald

Engrossed HB 1350 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to create and enact sections 10-19.1-01.1, 10-19.1-100.1, 10-19.1-149.1, 10-32-02.1, 10-32-153.1, 10-33-01.1, 10-33-142.1, 45-10.1-01.1, 45-10.1-63, 45-10.1-64, 45-10.1-65, 45-10.1-66, 45-10.1-67, 45-10.1-68, 45-10.1-69, 45-10.1-70, 45-10.1-71, 45-10.1-72, 45-13-01.1, 45-16-07, 45-16-08, 45-22-01.1, 45-23-01.1, and 45-23-07 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, limited partnerships, partnerships, limited liability partnerships, and limited liability limited partnerships; to amend and reenact section 10-19.1-01, subsection 4 of section 10-19.1-13, sections 10-19.1-14 and 10-19.1-19, subsection 2 of section 10-19.1-31, subsections 1 and 2 of section 10-19.1-43, subsections 1 and 2 of section 10-19.1-47, subsection 1 of section 10-19.1-63, subsection 3 of section 10-19.1-71, subsection 3 of section 10-19.1-72, sections 10-19.1-75 and 10-19.1-75.2, subsection 1 of section 10-19.1-76.2, subsection 1 of section 10-19.1-87, section 10-19.1-100, subsection 1 of section 10-19.1-110, subsections 2 and 3 of section 10-19.1-113.1, subsection 3 of section 10-19.1-129, subsection 2 of section 10-19.1-146, section 10-32-02, subsections 2, 3, and 4 of section 10-32-07, subsection 5 of section 10-32-10, section 10-32-11, subsection 1 of section 10-32-13, section 10-32-15, subsection 6 of section 10-32-17, subsection 1 of section 10-32-22, subsection 17 of section 10-32-23, sections 10-32-36 and 10-32-37, subsections 2 and 3 of section 10-32-38, subsections 2 and 3 of section 10-32-39, subsection 3 of section 10-32-40, sections 10-32-40.1, 10-32-43, and 10-32-43.2, subsection 1 of section 10-32-48, subsection 1 of section 10-32-50, section 10-32-51, subsection 1 of section 10-32-54, subsection 4 of section 10-32-55, section 10-32-56, subsection 2 of section 10-32-57, subsection 3 of section 10-32-58, subsection 1 of section 10-32-59, sections 10-32-60 and 10-32-61, subsection 1 of section 10-32-64, section 10-32-67, subsections 2 and 3 of section 10-32-68, sections 10-32-69, 10-32-70, 10-32-73, and 10-32-74, subsection 2 of section 10-32-76, subsection 2 of section 10-32-77, subsections 2 and 3 of section 10-32-78, subsection 2 of section 10-32-78.1, subsection 1 of section 10-32-79, sections 10-32-80, 10-32-81, and 10-32-83, subsections 1 and 2 of section 10-32-84, subsections 1 and 3 of section 10-32-85, subsections 2 and 4 of section 10-32-86, subsections 1 and 2 of section 10-32-87, sections 10-32-88, 10-32-89, and 10-32-92, subsection 3 of section 10-32-94, section 10-32-95, subsection 1 of section 10-32-97, sections 10-32-99 and 10-32-104, subsections 1 and 2 of section 10-32-108, subsection 2 of section 10-32-112, subsection 3 of section 10-32-113, subsection 1 of section 10-32-114, subsections 2 and 3 of section 10-32-117, subsection 1 of section 10-32-119, subsection 2 of section 10-32-130.1, subsection 3 of section 10-32-132, subsection 2 of section 10-32-149, sections 10-33-01, 10-33-10, 10-33-11, and 10-33-21, subsection 3 of section 10-33-23, subsection 2 of section 10-33-25, subsection 1 of section 10-33-27, subsections 1 and 2 of section 10-33-39, subsections 1 and 2 of section 10-33-43, subsection 1 of section 10-33-44, subsection 1 of section 10-33-50, subsection 3 of section 10-33-65, subsection 3 of section 10-33-66, sections 10-33-73 and 10-33-75, subsection 1 of section 10-33-77, sections 10-33-81 and 10-33-93, subsection 1 of section 10-33-101, subsections 2 and 3 of section 10-33-103, subsection 4 of section 10-33-104, subsection 1 of section 10-33-107, subsections 1, 2, and 3 of section 10-33-108, subsection 3 of section 10-33-120, subsection 1 of section 10-33-128, subsection 2 of

section 10-33-139, section 45-10.1-01, subsection 6 of section 45-10.1-02, sections 45-10.1-03 and 45-10.1-07.1, subsections 7 and 8 of section 45-10.1-09, sections 45-10.1-13, 45-10.1-55, 45-10.1-56, and 45-13-01, subsections 5 and 6 of section 45-13-04.1, section 45-13-04.2, subsections 6 and 7 of section 45-13-05, subsection 1 of section 45-13-06, subsection 1 of section 45-15-03, subsection 1 of section 45-15-03.1, subsection 2 of section 45-15-03.2, section 45-15-04, subsection 1 of section 45-19-04, subsections 1 and 2 of section 45-21-05, subsection 2 of section 45-21-06, subsections 1 and 2 of section 45-21-07, section 45-22-01, subsection 3 of section 45-22-03, subsection 5 of section 45-22-04, section 45-22-05, subsection 2 of section 45-22-17, subsection 2 of section 45-22-21.1, section 45-23-01, and subsection 5 of section 45-23-03 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, limited partnerships, partnerships, limited liability partnerships, and limited liability limited partnerships; and to repeal sections 45-10.1-14, 45-10.1-15, and 45-10.1-16 of the North Dakota Century Code, relating to limited partnerships.

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

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Belter; Carlson

**ABSENT AND NOT VOTING:** Boe; Boucher; Eckre; Keiser; Wald

Engrossed HB 1362 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1072:** A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the uniform interstate enforcement of domestic violence protection orders act; to amend and reenact section 14-07.1-06 of the North Dakota Century Code, relating to penalties for violation of a protection order; to repeal section 14-07.1-02.2 of the North Dakota Century Code, relating to foreign domestic violence protection orders; to provide a penalty; and to provide for application.

#### 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, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Timm; Weisz

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Wald

Engrossed HB 1072 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1431:** A BILL for an Act to create and enact a new subsection to section 57-36-01 and sections 57-36-08.1, 57-36-10.1, 57-36-11.2, 57-36-12.1, 57-36-13.1, and 57-36-13.2 of the North Dakota Century Code, relating to tobacco tax indicia and unfair and deceptive business practices; to amend and reenact sections 57-36-02, 57-36-07, 57-36-09, 57-36-18, and 57-36-33 of the North Dakota Century Code, relating to tobacco tax indicia; to repeal section 57-36-25.1 of the North Dakota Century Code, relating to tobacco tax deductions for distributors; to provide a penalty; 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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Carlisle; Ruby

**ABSENT AND NOT VOTING:** Boe; Eckre; Hanson; Keiser; Wald

Reengrossed HB 1431 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1385:** A BILL for an Act to amend and reenact section 38-08-06.2 of the North Dakota Century Code, relating to discrimination and unfair, unjust, or unreasonable charges and fees in purchasing natural gas; and to declare an emergency.

**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 28 YEAS, 61 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boucher; Carlson; DeKrey; Devlin; Galvin; Glassheim; Headland; Johnson, D.; Johnson, N.; Kasper; Klein, F.; Meier; Monson; Nelson; Nicholas; Pietsch; Pollert; Sandvig; Severson; Skarphol; Thorpe; Uglem; Warner; Weiler; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Clark; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Herbel; Hunskor; Iverson; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Mueller; Niemeier; Norland; Nottestad; Onstad; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Tieman; Timm; Warnke; Weisz; Wieland; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Wald; Williams

Engrossed HB 1385 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to amend and reenact sections 4-05.1-02, 4-05.1-04, 4-05.1-16, and 4-05.1-19 of the North Dakota Century Code, relating to the duties, responsibilities, and membership of the state board of agricultural research and education.

**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 41 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Grande; Grosz; Headland; Iverson; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Klemin; Martinson; Monson; Nelson; Norland; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Warnke; Weiler; Wieland; Wrangham

**NAYS:** Aarsvold; Amerman; Belter; Boucher; Delmore; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Potter; Price; Sandvig; Schmidt; Solberg; Thorpe; Uglem; Warner; Weisz; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Wald

Engrossed HB 1389 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1403:** A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to the sale of railroad right of way.

**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 72 YEAS, 17 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Ekstrom; Froelich; Froseth; Glassheim; Grosz; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Belter; Berg; Bernstein; Carlson; Delzer; Dosch; Drovdal; Galvin; Grande; Hawken; Johnson, N.; Koppelman; Meier; Monson; Timm; Warner; Weiler

**ABSENT AND NOT VOTING:** Boe; Eckre; Keiser; Kempenich; Wald

Engrossed HB 1403 passed and the title was agreed to.

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**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM SPEAKER:** Your **Delayed Bills Committee (Rep. Berg, Chairman)** has approved the introduction of a bill for an Act to provide for a legislative council study of the state's business climate; and to provide for an appropriation.

The bill will be HB 1504.

**MOTION**

**REP. BERG MOVED** that the House stand in recess until 11:00 a.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wentz presiding.

**MOTION**

**REP. AARSVOLD MOVED** that an escort committee be appointed to escort Senator Byron Dorgan to the rostrum, which motion prevailed. Speaker Wentz appointed Rep. Froelich and Rep. Kerzman to such committee.

**REMARKS OF THE HONORABLE BYRON L. DORGAN, U.S. SENATOR**

Thank you all very much for the welcome. It's very nice to be here in this chamber once again. The Lieutenant Governor and I were on an airplane the other day. It is a profound sense of embarrassment for me and, I hope to him, that two North Dakotans were stranded in the snow in Washington, D.C. We are used to snow, but they had a couple of feet of snow and all the airports were closed. All three airports and neither of us were able to get a plane quite when we expected to, but I am pleased to be here. The Senate is not in session this week, and I am able to be in North Dakota all week.

We face a lot of challenges in this country. I know that you face challenges in this chamber. I just listened to just a bit of this last debate, and I recognized that the process of economizing is trying to match unlimited wants with limited resources. Perhaps never is that more evident and more obvious than the legislative process where you are trying to figure out how all of this fits.

We in Congress are facing, as the country is facing, some significant foreign policy challenges these days. North Korea, Iraq, Al-Qaida, Osama Ben Laden, terrorism. We also face very significant challenges here at home. A sluggish economy, resumption of a very large federal budget deficit as far as the eye can see. Very large trade deficits. We have an agenda that we must work on even in the midst of all of this. An energy bill, education, health care, farm legislation. All of that is important. But I want to talk to you today about something that I think is of utmost importance to us and something that is urgent. It represents a crisis for our state and our region.

I have watched what has been said about our state and written about our state across the country and also in foreign lands. I have seen the state written about in the Los Angeles Times and the New York Times. More recently, a London newspaper. In fact, let me quote from the London newspaper and it makes me angry and I assume that it makes you angry but that is not the emotion of things today that we should necessarily take from all of this. This is an emotion that ought to stimulate us to do something else. First from a London newspaper the last couple of weeks. Something remarkable is going on in North Dakota, perhaps the least known but most troubled state in the Union. A century and a quarter after the white man colonized the place the Europeans are facing an extinction, and the ancient inhabitants may yet reclaim the land. In small and provocative towns and communities all over the state where their great grandfathers arrived by trains and covered wagons, they are giving up and getting out. Abercrombie, Amidon, and Anamoose, Wishek, Wyndmere, and Zap. Many of these towns have lost 10 percent of their population in each decade since the 1930s, but in the 1990's that often accelerated to 20 percent and above all young people are going with regret or relief because they have no alternative. That from a London paper. You have read these kinds of things about what is happening not just in North Dakota but in the heartland of our country. It is North Dakota, Montana, South Dakota, Nebraska, Kansas, Wyoming. A relentless kind of depopulation of the heartland. This is a wonderful place. All of us understand that. That is why we serve here in North Dakota. It's a wonderful place with strong schools, safe streets. It's the best place in America in my judgment to raise a family. Good neighbors with a lot to offer. But something is happening here. This article and others like it report that something is happening here and we know it. Something is happening here and it's urgent. It's a crisis. And we, above all, need to treat it as such.

I want to talk just for a moment about what the state data center says about our state. The state demographer. They make predictions and friends. They say in the year 1980 in North Dakota we had 652,000 residents. And they say in the year 2020 that we will have 651,000 residents. That means it is about stable in forty years, 652,000 to 651,000. But they also say that during that forty years when we have a population that remains almost unchanged, Fargo will increase in population by 60,000 citizens, Bismarck by 20,000 citizens, and Minot and Grand Forks will remain relatively the same. If you take those four cities out of the population base in the year 2020, you have 300,000 citizens left. That means of those 300,000 citizens, which represent 95 percent of the rest of North Dakota, that 300,000 population will be reduced by 80,000 in order to make up for the 80,000 that is gained by Fargo and Bismarck. That means that on an average the counties in North Dakota will see a 25 to 35 percent in population in forty years. My home county is a classic example of that. My home county is Hettinger County. It is slightly larger than the state of Rhode Island. When I left it had 5,000 citizens. Now it has 2,800 citizens. And in the year 2020, it is expected to have 1,800 citizens. And that is Hettinger County. In New England, North Dakota, in the western part of Hettinger County, the Lutheran minister says that she officiates at four funerals for every wedding. We are getting older. Some people are not staying. People are not having babies. People are not getting married. And we know that this is happening in almost every rural area of our state. The question is, can we do something about it. It is not just us. Every county struggles and works. Our state struggles and works to do something about it. It is not just us. If you draw an eggshape in North Dakota -- the middle part of country. The middle part of America is being relentlessly depopulated a century and a century after we populated it by giving people land. Come here, stay here, and prove the land. Build here, start a farm, we will give you some land we said. And there was this great migration to populate the heartland of our country and it

worked. A century and a half later it indeed is being depopulated. We can ignore it. We can be like the frog in the pan of water on a stove and wait until it is too late. But we do that at our peril it seems to me.

So the question is what. What do we do? I think that this is a problem not of our making and not just of consequence to us. When we have economic blight in America's cities, our county decided it did not want to its cities fail. Economic blight struggles decay in America's cities and the country mobilized immediately to create urban renewal and model cities and pumped money into energy into - the city of America and America's cities are doing just fine, thank you because our country decided it was a national priority to help rebuild and reenergize the economies in America's cities. This country, in my judgment, if it cares about the heartland and it should, has a similar obligation to help restore economic opportunity in the heartland of this country. And I believe that we can create and should create national effort to do that. Senator Chuck Hagel and I wrote a piece of legislation. I know some of you were with Senator Hagel yesterday. He was here in Bismarck. Senator Hagel and I wrote a piece of legislation called the Homestead Economic Opportunity Act. At the end of the last session, we had 12 cosponsors, Republicans and Democrats. A bipartisan piece of legislation and it's very simple but very bold. It says our population is moving from the heartland, and we want to try to create a magnet to bring it back. We do not have land to give away anymore. But we do is create financial incentives. We say to people if you are living in county without migration, but here are incentives. Investment tax credits, venture capital, payment of student college loans a whole series of opportunities for those who are investors. Those who stay there to work and assume jobs. Those who build businesses there. You say to people, if you stay there, if you come there, if you build there, if you become part of their future in areas that are suffering outmigration, here are substantial, bold incentives for you. That is what we did for America's cities, that is what we ought to do for the heartland of our country. I indicated to you that this is a federal initiative. We had 12 cosponsors. We expect to get 20 cosponsors, Republicans and Democrats. Senator Hagel and I are going to try very hard to get this enacted. It's a big idea. It will not happen next month. Because it is a big idea it will take some time. But this county has a responsibility and obligation, in my judgment, to address what I think is a crisis in the heartland of our country. Relentless, relentless depopulation. Again, we can ignore, but if, we ignore it we will do nothing to change it. I believe it can be altered and can be changed in a way that is beneficial to us, and those that come after us in our great state. It is called the Homestead Economic Opportunity Act. I hope you will pass a resolution supporting it, asking Congress to pass it. Nothing partisan about it - bipartisan.

Let me mention something else that I have been working on. About a year ago, I called a meeting in Fargo and I invited all of the college presidents in North Dakota to come to the meeting and invited the Governor. We had a meeting to talk about an idea that I kicked around for a while to create a research corridor here in North Dakota. One of the things that I have noticed is economic development, new industry, and new jobs congregate around where major research occurs. The largest funder of research on earth is the United States federal government. It puts major research into certain areas of this country. A bulk of the research goes to four states--California, New York, Texas, and Massachusetts. And it is not an accident that when major research creating centers of excellence in areas like Harvard or Silicone Valley, it's not an accident that companies and jobs are created there. It has happened all across this country in certain areas where the federal government has created this research opportunity but then attracts like a magnet new industries and new jobs. We have to anchor universities in North Dakota--North Dakota State University and the University of North Dakota. But those universities have access to opportunities from every other university in the state as well and every other college in the state. And I suggested that we use these anchor universities to create a research corridor that has tentacles to every other college in the state. A good example of that is research money that I got for NDSU dealing with food security which has now created an alliance with Dickinson State University. So we have two colleges with NDSU in the lead with Dickinson State University benefited from the capability to do research on food security issues, which by the way, are very important in the advent of the terrorist threat against our country. That is one example. But most of what I have been doing is through my work on defense appropriations and I have been meeting with companies that are doing research, especially defense research that has commercial application. Alien corporations. I met with the CEO of the Alien Corporation about two and a half years ago and put research money into a piece of legislation in an appropriations bill to do micro-sensor research that the Defense Department wanted to do with Alien Corporation and they are doing it now in Fargo, North Dakota, at North Dakota State University. That company in California is now thinking of building a manufacturing plant to locate its manufacturing with its research. I met with the head of Tessera Corporation. The head of Symix Corporation. Signal Corporation and others. All of which are now doing research at North Dakota State University. Alomerst and Codings, anno technology and micro technology. We are working with technology that has circuit boards the size of a speck of pepper. Take a dime. Inside the dime is written out dime. Look at the space inside the little and visualize that you can put 15 to 20 circuit boards inside that tiny space. Yes, each of those specks are circuit boards and they have massive applications for both our

Defense Department which has initiated the research and also for commercial application. Why the Gillette Corporation has just ordered 50 million smart tags from the Alien Corporation and they are going to have to manufacture them from someplace and it is going to be our future. These little circuit bags with something called - circuit tags, rather, with something called fullself assembly will be attached to everything in the future. Every piece of inventory in the Department of Defense will have one on it. A low-frequency identifier. Every can of pop that you get out of a pop machine is going to have one on it. Tell somebody that zaps it with some energy, here is who I am. Here was when I was bottled or here is when I was canned. Here is the pressure I am under. It is the future. It is microannal technology, and it is here and we are building a center of excellence in North Dakota that I think will result in substantial new jobs and new opportunities. And I want to mention to you that it does not increase federal spending one cent. All of this is within the budget line. We establish budget lines by function. But earmarks simply determine where it is spent, not how much is spent. And we ought not to be bashful about getting our share of research. We have young men and women at our universities engaged in significant cutting edge research rather than have them travel to Denver and Minneapolis in order to find the jobs to do the research. And I have written about \$100 million in earmarked corporations for that research which I am convinced in the next 3, 5 and 10 years is going to result in a congregation of new companies and new jobs that is going to center around yes, UND and NDSU, but also other colleges that are going to be engaged in tentacles to that research.

We have a great state with a great opportunity, but we face also very great challenges. There is an urgency about what is happening in our country and our state, especially in the heartland. And there is a crisis about what is happening in North Dakota. Of all of the states I have mentioned who suffer from the relentless outmigration, none suffer as much as our state. Our state leads the pack by far and we ignore at our peril. Some want to pretend it does not exist, some what to pretend that it can be business as usual. Some want to be like Aesop's blight on an axle of a chariot observing my what dust I do raise. Don't work any more. It just will not work. There has to be a partnership, in my judgment, with the federal government doing bold, aggressive things and with you doing bold, aggressive things. Doing nothing is not an option for this state's future. It just is not. I recognize you have massive challenges. I would not minimize them. You do not have the luxury of the United States Congress. We introduce a piece of legislation, we do not have the foggiest idea whether it is ever going to get a hearing. We do not have any idea whether somebody is going to bring it up at some point. You have no idea whether you will ever get to vote on it. You come here in a very short period of time. You have got to put it all together. You move a massive amount of legislation for a very short period of time. That is a big challenge. And I respect that challenge, but I do want to say that as I look - and as Senator Hagel and my colleagues look at what is happening in the heartland, it is time when we read these articles in - it is time for us - all of us to say that we are going to fight back. This is too good a place to lose. We have too much here not to make sure that we build. We can reclaim the heartland with right public policies. Aggressive public policies, full public policies. Temburg once said I see America not in the setting sun of the black night of despair, he said I see America in the crimson light of the rising sun fresh from the burning creative hand of God. We must be positive. I do not mean to talk about our problems and say, woe is us, we cannot solve it. Of course we can solve them. There are not Americans better prepared to solve the problem here in the heartland than those of us who live in the heartland. The bold initiatives to address a crisis. Thank you very much.

#### **MOTION**

**REP. BOUCHER MOVED** that Senator Dorgan's remarks be printed in the Journal, 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 2015, SB 2028, SB 2083, SB 2086, SB 2153, SB 2244, SB 2248, SB 2252, SB 2258, SB 2259, SB 2272, SB 2275, SB 2285, SB 2314, SB 2320, SB 2331, SB 2348, SB 2358, SB 2360, SB 2368, SB 2403.

#### **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 2012, SB 2025, SB 2089, SB 2299, SB 2346, SB 2416, SB 2418.

#### **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 2013, SB 2022, SB 2026, SB 2052, SB 2065, SB 2154, SB 2222, SB 2282, SB 2297, SB 2311, SB 2335, SB 2344, SB 2380, SB 2394, SB 2398, SB 2405, SB 2410.

**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 2008, SB 2019, SB 2074, SB 2249, SB 2409.

**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 3038, HCR 3041, HCR 3051.

**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 1500.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1001, HB 1003, HB 1005, HB 1014, HB 1015, HB 1016, HB 1022, HB 1430.

**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 1002, HB 1004, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1012, HB 1013, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1023, HB 1047, HB 1072, HB 1086, HB 1207, HB 1218, HB 1231, HB 1245, HB 1268, HB 1271, HB 1282, HB 1350, HB 1358, HB 1359, HB 1362, HB 1397, HB 1403, HB 1431, HB 1434, HB 1435, HB 1439, HB 1486, HB 1488, HB 1497, HB 1011.

**FIRST READING OF SENATE BILLS**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing.

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

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; and to amend and reenact subsection 1 of section 19-13.1-03 and section 19-14-04 of the North Dakota Century Code, relating to pet food and livestock medicine registration fees.

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

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an exemption to section 54-44.1-11 relating to unexpended appropriations.

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

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau.

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

**SB 2032:** A BILL for an Act to provide an appropriation for the data envelopment analysis project.

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

**SB 2041:** A BILL for an Act to provide for a criminal justice information sharing board; to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks; and to amend and reenact section 12-60-16.2 of the North Dakota Century Code, relating to the collection of criminal information.

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

**SB 2048:** A BILL for an Act to amend and reenact sections 20.1-03-07.1 and 20.1-08-04 of the North Dakota Century Code, relating to a limitation on the number of nonresident waterfowl hunters.

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

**SB 2077:** A BILL for an Act to amend and reenact subsection 2 of section 54-52.4-01 and sections 54-52.4-02, 54-52.4-04, and 54-52.4-05 of the North Dakota Century Code, relating to state employee family leave entitlements, notices to employers, and certifications for leave.

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

**SB 2112:** A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees for testing and calibrating weighing and measuring devices.

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

**SB 2135:** A BILL for an Act to provide for national certification of teachers; and to provide an appropriation.

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

**SB 2149:** A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-32, subdivision b of subsection 5 of section 39-06.1-03, subsection 17 of section 39-06.2-02, sections 39-06.2-06 and 39-06.2-16, subsection 3 of section 39-08-13, and section 39-16.1-10 of the North Dakota Century Code, relating to examination of applicants, evidence of actions against drivers received from other jurisdictions, issuance of a temporary certificate after granting a stay pending appeal, definition of gross vehicle weight rating, seasonal exemption from commercial driver's license requirements, time for submission of accident reports by law enforcement, and proof of future financial responsibility by nonresidents.

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

**SB 2160:** A BILL for an Act to create and enact sections 14-09-08.20, 14-09-09.32, 14-09-09.33, and 14-09-09.34, two new subsections to section 34-15-03, and a new section to chapter 50-09 of the North Dakota Century Code, relating to medical support, agreements to waive child support, judicial offsets of child support, income payer duties, and cooperative agreements for child support enforcement services; to amend and reenact sections 14-09-08.11, 14-09-09.13, and 14-09-09.15, subsections 1 and 9 of section 14-09-09.16, sections 14-09-09.17, 14-09-09.30, and 26.1-36.5-03, and subsections 2 and 3 of section 34-15-01 of the North Dakota Century Code, relating to child support, medical support, and past-due child support; to provide a continuing appropriation; and to provide an effective date.

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

**SB 2175:** A BILL for an Act to amend and reenact section 40-08-15 of the North Dakota Century Code, relating to the compensation of a mayor.

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

**SB 2193:** A BILL for an Act to amend and reenact section 11 of chapter 535 of the 1999 Session Laws as amended by section 1 of chapter 559 of the 2001 Session Laws, relating to the issuance of bonds for construction of an outlet from Devils Lake.

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

**SB 2195:** A BILL for an Act to create and enact a new subsection to section 26.1-04-03 and four new sections to chapter 26.1-08 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to amend and reenact subsection 2 of section 26.1-03-17 and sections 26.1-08-01, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-08, 26.1-08-09, 26.1-08-10, 26.1-08-11, 26.1-08-12, 26.1-08-13, and 57-38-30.4 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; and to repeal sections 26.1-08-02, 26.1-08-03, and 26.1-08-04 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

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

**SB 2208:** A BILL for an Act to amend and reenact sections 40-04.1-05, 40-08-10, and 40-09-11 of the North Dakota Century Code, relating to the meeting dates of city governing bodies.

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

**SB 2215:** A BILL for an Act to amend and reenact subsection 8 of section 20.1-03-11 and sections 20.1-08-04.2 and 20.1-08-04.6 of the North Dakota Century Code, relating to the moose and elk hunting license raffles.

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

**SB 2227:** A BILL for an Act to amend and reenact section 20.1-03-07.2 of the North Dakota Century Code, relating to hunting by nonresident youths.

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

**SB 2237:** A BILL for an Act to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to the power of the director of the game and fish department to issue special crossbow hunting permits.

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

**SB 2240:** A BILL for an Act to amend and reenact sections 61-16.1-14, 61-21-45, 61-35-13, and 61-35-88 and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to bids for water district construction, maintenance, and improvement projects.

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

**SB 2242:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of Canada geese by nonresidents.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2251:** A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to creation of a property insurance placement facility.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2271:** A BILL for an Act to create and enact three new sections to chapter 50-25.1 of the North Dakota Century Code, relating to prenatal testing and reporting; and to amend and reenact section 50-25.1-02 of the North Dakota Century Code, relating to child abuse and neglect reporting requirements.  
Was read the first time and referred to the **Judiciary Committee**.

**SB 2277:** A BILL for an Act to amend and reenact subsection 1 of section 61-16.1-11 of the North Dakota Century Code, relating to the joint exercise of powers by water resource districts.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2278:** A BILL for an Act to amend and reenact section 61-16.1-09.1 of the North Dakota Century Code, relating to maintenance of natural watercourses and debrisment of bridges and low water crossings.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2296:** A BILL for an Act to amend and reenact section 25-03.1-02 and subsection 1 of section 25-03.1-18.1 of the North Dakota Century Code, relating to mental illness commitment procedures.  
Was read the first time and referred to the **Judiciary Committee**.

**SB 2305:** A BILL for an Act to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-27 of the North Dakota Century Code, relating to approved joint powers agreements and reimbursement for participation.  
Was read the first time and referred to the **Education Committee**.

**SB 2310:** A BILL for an Act to provide for a legislative council study of wind energy development.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2315:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-35.2, subsection 1 of section 57-39.2-25, and section 57-51-19 of the North Dakota Century Code, relating to the rate of interest on overpayments of income tax, sales and use tax, and oil and gas gross production tax and oil extraction tax; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**SB 2319:** A BILL for an Act amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; to provide an appropriation; and to provide an effective date.  
Was read the first time and referred to the **Agriculture Committee**.

**SB 2322:** A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 and section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting by nonresident students.  
Was read the first time and referred to the **Natural Resources Committee**.

**SB 2324:** A BILL for an Act to amend and reenact sections 46-05-01, 46-06-01, 46-06-02, and 46-06-03 of the North Dakota Century Code, relating to qualifications of legal newspapers, official newspapers in counties where no newspaper is published, and placement of newspapers on the ballot; and to repeal section 46-05-02 of the North Dakota Century Code, relating to newspaper affidavits filed with county auditors.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2326:** A BILL for an Act to create and enact three new sections to chapter 4-11 of the North Dakota Century Code, relating to wholesale potato dealers; to amend and reenact sections 4-11-01, 4-11-02, 4-11-03, 4-11-04, 4-11-06, 4-11-07, 4-11-08, 4-11-09, 4-11-10, 4-11-12, 4-11-13, 4-11-14, 4-11-15, 4-11-16, 4-11-17, 4-11-18, 4-11-19, 4-11-20, 4-11-21, 4-11-22, 4-11-23, and 4-11-24 of the North Dakota Century Code, relating to wholesale potato dealers; to repeal sections 4-11-05 and 4-11-11 of the

North Dakota Century Code, relating to wholesale potato dealers' licenses and fee schedules; to provide a penalty; to provide for a continuing appropriation; and to declare an emergency.

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

**SB 2328:** A BILL for an Act to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota Century Code, relating to when misdemeanors or infractions may be compromised.

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

**SB 2329:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to mandated treatment for domestic violence offenders; and to amend and reenact sections 12.1-17-01 and 14-07.1-06 of the North Dakota Century Code, relating to mandated treatment of domestic violence offenders and to the violation of a protection order.

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

**SB 2330:** A BILL for an Act to provide for a choice of options for individuals eligible for home and community-based services medical assistance waivers.

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

**SB 2334:** A BILL for an Act to provide for a beef systems center of excellence.

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

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an additional sales tax on lodging for promotion of the Lewis and Clark bicentennial celebration; to provide a continuing appropriation; 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 2341:** A BILL for an Act to create and enact sections 50-22-06 and 50-22-07 of the North Dakota Century Code, relating to charitable solicitations; to amend and reenact sections 50-22-01, 50-22-02, 50-22-02.1, 50-22-04, 50-22-04.3, and 50-22-05 of the North Dakota Century Code, relating to charitable solicitations; and to repeal section 50-22-04.2 of the North Dakota Century Code, relating to charitable solicitations.

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

**SB 2342:** A BILL for an Act to create and enact a new subsection to section 39-10-07.2 of the North Dakota Century Code, relating to the display of an electronic lighting device.

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

**SB 2343:** A BILL for an Act to create and enact a new section to chapter 10-06.1 of the North Dakota Century Code, relating to corporate or limited liability farming.

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

**SB 2345:** A BILL for an Act to amend and reenact section 25-03.1-04 of the North Dakota Century Code, relating to the preparation of health care directives; and to declare an emergency.

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

**SB 2347:** A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code, relating to guaranteed energy savings contracts.

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

**SB 2349:** A BILL for an Act to create and enact a new section to chapter 43-06 of the North Dakota Century Code, relating to the chiropractic practice.

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

**SB 2361:** 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**.

**SB 2362:** A BILL for an Act to amend and reenact sections 61-16.2-02, 61-16.2-06, 61-16.2-08, 61-16.2-09, 61-16.2-10, 61-16.2-13, and 61-16.2-14 of the North Dakota Century Code, relating to floodplain management.

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

**SB 2363:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 and subsection 4 of section 20.1-03-12 of the North Dakota Century Code, relating to deer hunting by nonresidents.

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

**SB 2367:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for members of the reserve components of the armed forces of the United States when called to federal active service; and to provide an effective date.

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

**SB 2379:** A BILL for an Act to provide for a legislative council study of the doctrine of assumption of risk.

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

**SB 2389:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-27-26 of the North Dakota Century Code, relating to school district transportation payments.

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

**SB 2390:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate for valuation of agricultural property for property tax purposes; and to provide an effective date.

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

**SB 2400:** A BILL for an Act to amend and reenact subsection 2 of section 57-28-04, and sections 57-28-08 and 57-28-09 of the North Dakota Century Code, relating to survival of an easement or right of way on property upon acquisition by the county through tax foreclosure.

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

**SB 2401:** A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-01-09 and subsection 3 of section 20.1-05-04 of the North Dakota Century Code, relating to the use of flashlights in taking raccoons.

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

**SB 2415:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

**SCR 4011:** A concurrent resolution directing the Legislative Council to study alternative methods for recording and discharging a lien on a motor vehicle.

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

**SCR 4014:** A concurrent resolution directing the Legislative Council to study methods for funding and providing law enforcement training in this state.

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

**SCR 4016:** A concurrent resolution directing the Legislative Council to study those provisions of North Dakota Century Code Title 4 which relate to the powers and duties of the State Seed Commissioner and the State Seed Department.

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

**SCR 4018:** A concurrent resolution urging all publicly supported entities having food acquisition functions to support North Dakota producers and processors through the purchase of food products grown or produced and processed in this state.

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

**SCR 4019:** A concurrent resolution directing the Legislative Council to study actions that can be taken at the state level to address the problem of inaccurate or obsolete information on consumer reports.

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

**SCR 4022:** A concurrent resolution directing the Legislative Council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota.

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

**SCR 4024:** A concurrent resolution celebrating the World Series victory of Darin Erstad as a member of the Anaheim Angels baseball team.

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

**SCR 4025:** A concurrent resolution urging Congress to promote development of North Dakota's wind energy resource by appropriating funds to provide a two and one-half cents per kilowatt hour wind energy production tax credit.

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

**SCR 4028:** A concurrent resolution urging Congress to increase Medicare reimbursement rates for rural health care providers and to use an appropriate amount of the federal budget to equalize Medicare rates within North Dakota and the nation.

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

**SCR 4030:** A concurrent resolution directing the Legislative Council to study the requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers.

Was read the first time and referred to the **Transportation 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, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, February 26, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

