

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTY-EIGHTH DAY

Bismarck, February 10, 1983

The Senate convened at 1:00 p.m., with President Sands presiding.

The prayer was offered by Rev. James Norlie, Trinity Lutheran Church, Bismarck.

Let us pray. Lord God, we pause to ask Your blessing upon all who are gathered here this day. We have been called to serve You by serving our brothers and sisters. Help us to serve well. And when we fail to meet human expectations, when we are held captive by greed and resentment, when we are just plain tired--forgive and strengthen us, good Lord. Amen.

ROLL CALL

The roll was called and all members were present, except Senator Holmberg.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-seventh day and finds the same to be correct.

SEN. TWETEN, Chairman

SEN. J. MEYER MOVED that the report be adopted, which motion prevailed.

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

SB 2186

SEN. FRITZELL, Chairman

SEN. DYKSHOORN MOVED that the report be adopted, which motion prevailed.

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly reengrossed:

SB 2037, SB 2319

SEN. FRITZELL, Chairman

SEN. DYKSHOORN MOVED that the report be adopted, which motion prevailed.

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2286, SB 2363, SB 2421, SB 2454, SB 2489

SEN. FRITZELL, Chairman

SEN. DYKSHOORN MOVED that the report be adopted, which motion prevailed.

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2186

LEO LEIDHOLM, Secretary

#### MESSAGE TO THE HOUSE SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2250, SB 2308, SB 2328, SB 2343, SB 2400, SB 2414,  
SB 2432, SB 2444, SB 2450, SB 2463, SCR 4019, SCR 4022,  
SCR 4026, SCR 4028, SCR 4034

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2065, SB 2193, SB 2281

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1060, HB 1226, HB 1237, HB 1317, HB 1417, HB 1465,  
HB 1470, HB 1498, HB 1522, HB 1530, HB 1583, HB 1585,  
HB 1633, HB 1672, HB 1674, HB 1688, HB 1719

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## MOTION

SEN. LIPS MOVED that SB 2013 be placed at the head of the Sixth order of business, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2013 as recommended by the Committee on Appropriations as printed on pages 631 and 632 of the Senate Journal be adopted.

## MOTION

SENATOR HEIGAARD MOVED that the amendment to SB 2013 be amended as follows:

On page 1, line 14, delete the numerals "33,348,699" and insert in lieu thereof the numerals "32,354,791"

On page 1, line 15, delete the numerals "5,953,909" and insert in lieu thereof the numerals "5,941,461"

On page 1, line 18, delete the numerals "2,947,140" and insert in lieu thereof the numerals "1,942,140"

On page 1, line 19, delete the numerals "43,397,383" and insert in lieu thereof the numerals "41,386,027"

On page 1, line 21, delete the numerals "32,066,870" and insert in lieu thereof the numerals "30,055,514"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$993,908 from the general fund. Of the total, \$985,469 is a reduction that will allow funds for three percent salary increases for each year of the biennium. Funds are not provided for additional state contributions to retirement. In addition, \$8,439 is a reduction due to changes in salary information since the budget was submitted.

The operating expenses line item is reduced by \$12,448 from the general fund to allow five percent increases in food costs at the State Hospital.

The capital improvements line item is reduced by \$1,005,000 from the general fund to delete funding for a tunnel and steam distribution system.

SEN. HEIGAARD MOVED that the amendments to the amendment to SB 2013 be adopted.

SEN. REDLIN REQUESTED a roll call vote on the motion to adopt the amendments to the amendment to SB 2013, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to the amendment to SB 2013, the roll was called and there were 22 YEAS, 30 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grothberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stenehjem; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Holmberg

The amendments to the amendment to SB 2013 lost.

The question being on the motion to adopt the amendments to SB 2013 as recommended by the **Committee on Appropriations**, those amendments were adopted on a voice vote.

SEN. LIPS MOVED that the amendments to SB 2007 as recommended by the **Committee on Appropriations** as printed on pages 626 and 627 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2008 as recommended by the **Committee on Appropriations** as printed on pages 627 and 628 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2010 as recommended by the **Committee on Appropriations** as printed on pages 628 and 629 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2011 as recommended by the **Committee on Appropriations** as printed on pages 629 and 630 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2012 as recommended by the **Committee on Appropriations** as printed on pages 630 and 631 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2014 as recommended by the **Committee on Appropriations** as printed on pages 632 and 633 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2026 as recommended by the **Committee on Appropriations** as printed on pages 633 and 634 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2036 as recommended by the Committee on Appropriations as printed on page 634 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2084 as recommended by the Committee on Judiciary as printed on pages 635 and 636 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2172 as recommended by the Committee on Industry, Business, and Labor as printed on page 636 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2296 as recommended by the Committee on Appropriations as printed on page 637 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2351 as recommended by the Committee on Appropriations as printed on page 637 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2365 as recommended by the Committee on Judiciary as printed on page 638 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2401 as recommended by the Committee on Judiciary as printed on page 638 of the Senate Journal be adopted, which motion prevailed. SB 2401 has committee recommendation of DO NOT PASS.

SEN. CHRISTENSEN MOVED that the amendments to SB 2449 as recommended by the Committee on Judiciary as printed on pages 638 and 639 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2455 as recommended by the Committee on Judiciary as printed on page 639 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2479 as recommended by the Committee on State and Federal Government as printed on page 639 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1002 as recommended by the Committee on Appropriations as printed on pages 640 and 641 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1071 as recommended by the Committee on Finance and Taxation as printed on page 641 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. GOODMAN MOVED that the rules be suspended, that HB 1071 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1071: A BILL for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to coordinating state and federal estate tax provisions; providing an effective date; and declaring an emergency.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Maixner

HB 1071 passed and the title was agreed to and the emergency clause carried.

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## CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to HB 1142 as recommended by the Committee on Industry, Business, and Labor as printed on page 642 of the Senate Journal be adopted, which motion prevailed.

## REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:20 p.m., February 10, 1983:

SB 2065, SB 2281

SEN. FRITZELL, Chairman

SEN. KRAUTER MOVED that the report be adopted, which motion prevailed.

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 1:20 p.m., February 10, 1983:

SB 2193

SEN. FRITZELL, Chairman

SEN. KRAUTER MOVED that the report be adopted, which motion prevailed.

#### RECOGNITION

SEN. NETHING MOVED that a committee of two be appointed to escort U. S. Senator Mark Andrews to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Wenstrom and Thane.

The Honorable Mark Andrews was escorted to the rostrum and addressed the assembly.

SEN. NETHING MOVED that the remarks of Senator Andrews be printed in the Journal, which motion prevailed.

#### REMARKS OF U. S. SENATOR MARK ANDREWS

Thank you, Mr. President, and my colleagues in the legislative field in the great state of North Dakota, it is a great privilege to be here and I do appreciate that warm welcome.

It is amazing what happens to you when you get in the legislative business - I even get crowned "King of Pork" by a news magazine. That didn't bother too much in the family but my young son, who is pretty active in the Elks Club in Fargo, began to object when they began calling him "Prince Piggy" down there in the Elks Club, but I picked up some pretty good pork jokes and probably, Mr. President, one that is most worth repeating is about the fellow who came into the big city and the police officer whistled him over to the side and he had three hogs in the back seat of his car.

The police officer said "Look, you don't drive around this town, our town, with hogs in the back of the car. You take those hogs to the zoo." He was very polite to the police officer, and he said, "Yes, sir, I will do that", rolled his window back up and drove away.

Well, the next day the police officer saw the same car, same fellow in it, same hogs in the back seat, and whistled him over to the side, walked over by the driver's side, the driver rolled down the window, and the officer glanced in the back seat and here were these hogs -- with sun glasses on yet -- and he looked at the driver and he said "I thought I told you yesterday that we don't drive around our city with hogs in our car, I told you to

take them to the zoo." "Well, yes, officer," he said, "I did that and we had such a good time, we're taking them to the beach today."

Anyway, sometimes some people just don't know where to go or how to get things solved, and given the problems we have in budgeting on the national level I'm not certainly going to come and appear before you and give you suggestions on what you might do with budgeting on the state level. You'd tell me first off, "Mark, old friend, you go back and try to straighten out that mess you're working in, don't try to give us any free information."

I won't, but what I'd like to do is to tell you that despite what you are hearing we are beginning to see some bright spots on the economy.

We can take a look at the PIK program in agriculture. It's nothing new, really, it's been around for a long time. It's a way of retiring surplus production temporarily until we get exports in line, until we get sales in line.

Your people, no doubt, back home are asking you some questions about it, and let me share with you the information that I've gotten the last couple of days.

The PIK grain that they get under today's IRS interpretation would be taxed in the year in which they received it, but the Treasury has indicated that they agree that's not fair and there have been bipartisan sponsorships of bills in both the House and the Senate, and the Agriculture Department is going to support them, so we will have a change in legislation, meaning the farmers in North Dakota or wherever else who get PIK payments in commodities will not be taxed until they themselves decide to take that commodity to the elevator and finally sell it.

That's important for a couple of reasons. It's important because one, of course, they then choose which tax year their tax consequence is coming. But it's even more important because the program gives us an opportunity to purchase set-aside and reduce production at a pretty good price and do it outside of budget because we are doing it with commodities that are not scored on our Budget Reconciliation Act.

Nonetheless, for the first time, those grain traders in Minneapolis can sit down there and smack their lips and know exactly how many tens of millions of bushels of wheat will be put on the market, and that is going to have a price depressing effect, unfortunately.

That's the bad part of the PIK program. This tax change will help some.

One other amendment that we are going to try to get through is to allow farmers to put that commodity under loan, giving us an



opportunity to make sure we are not going to dump on the market too much in the way of commodities at a given point in time.

Actually, I think the challenges that you face in the legislature here and the challenges that we face in the federal Congress are somewhat the same. Actually, the great challenge is not just to respond to problems, but to initiate programs that will take care of the needs of the people so these day-by-day problems don't come up and continue to bother us.

Here we are as a great nation, and in the most agricultural state in that great nation, talking about cutting back production at a time when around this world where we are desperately trying to win favor in, tens of millions of people are suffering from malnutrition, and here at home the same thing happens.

You know that while we have a surplus in grain we haven't for the last 10 years carried on a sensible feeding program for those undernourished Americans who are with us.

A week ago last Friday, I went to a church in the inner city of Washington, in the ghetto area. They run a feeding program for the people who come in - a feeding program that has five or six volunteers from the church go down to the Eastern Market, go through the dumpsters, scrounge the mushrooms and the lettuce and the vegetables and whatever else they can, take them back to the church, go through them, separate out what is fit to eat and throw away that which isn't.

I had lunch with those people, about 125 people in that church basement. The person who was sitting next to me was an individual who had worked at Woodward and Lothrop, which is a department store down there, all his life. His wife is an invalid; the only chance they have for a good meal comes from that church-feeding program.

The woman on the other side of me has a disability and she doesn't have enough to get by on. Yet, when I went out in the kitchen to talk to the volunteers, I learned that their Social Security doesn't cover it, their other pensions don't cover it. When I talked to those volunteers and saw what they were doing of their own initiative and their own feeling for the common man, I found that not one ounce of federal support comes into that program - not a bit of flour, not a bit of pasta products, not any surplus potatoes, not any surplus butter - Ridiculous! Senator Leahy of Vermont and I are holding hearings next week in Vermont.

Later, we are going to have hearings out here in North Dakota, in our capacity as Chairman and Ranking Member of the Senate Agriculture Subcommittee on Investigations and Oversight, to find out just why this is happening.

We also want to find out why lending programs aren't moving as well as they ought to through Farmers Home. We want to try to find down the line the program that will meet these problems instead of just shuffling the problems from one place to another.

Those are some of the things that are happening on a national level. I wanted to visit with you briefly about it, talk to you about the agricultural programs first off.

One other thing, too. We were able to put a little North Dakota ingenuity, I think, into some of our defense procurement programs by taking a farmer attitude and saying, "Look, why do we buy in the next nine years eight billion dollars worth of jet fighter engines with no warranty on them?" Pan American Airlines buys a 747, and there's a 5,000-hour warranty on the engine sitting on that 747. You and I as taxpayers buy an F-18 fighter plane to protect our freedom and there's no warranty on that engine at all. There is now, because we got passed and signed into law a warranty program so that we can begin to know that we've got the same guarantee on these massive purchases of defense material that we get when we as consumers buy a washing machine or when we as farmers buy a tractor, or when we as truckers buy a truck.

So there are these practical solutions that we are moving toward. I share your frustrations, however, because it takes so darned long to get about resolving so many of these problems, but I do appreciate the opportunity to come back and say, in effect, "Hello" to you but even more than that, it's been great seeing you in your individual districts.

You know, you have a feeling of kinship with those who participate in government, that very basic and vital function in your home state. Some of you I have campaigned side-to-side with. Others I have gone down the street with your opponent, but it's been a spirited competition and all with a great deal of respect for each other because of what we are doing -- trying to present separate viewpoints on issues that are important to all of us.

It's just great to be back with you today, and thanks for inviting me here, and Godspeed to you in the great work you are doing.

#### MOTION

SEN. J. MEYER MOVED that the Senate reconsider the action whereby SB 2041 passed.

SEN. J. MEYER REQUESTED a recorded roll call vote on the motion to reconsider SB 2041, which request was granted.

#### ROLL CALL

The question being on the motion that SB 2041 be reconsidered, the roll was called and there were 28 YEAS, 22 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Olson; Redlin; Satrom; Stenehjem; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Dykshoorn; Erickson; Goodman; Kilander; Lee; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: Bakewell; Holmberg; Maixner

The motion to reconsider SB 2041 prevailed.

MOTION

SEN. REDLIN MOVED that SB 2041 be laid over one legislative day, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

February 10, 1983

The Honorable Ernest M. Sands  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 10, 1983, I signed the following:

SB 2065, SB 2193, SB 2281.

Sincerely,

ALLEN I. OLSON  
Governor

MOTIONS

SEN. LIPS MOVED that SB 2022 be laid over two legislative days, which motion prevailed.

SEN. NETHING MOVED that SB 2037 be laid over two legislative days, which motion prevailed.

SEN. CHRISTENSEN MOVED that SB 2388 be laid over two legislative days.

## POINT OF PERSONAL PRIVILEGE

SEN. REDLIN: Mr. President: I rise on a point of personal privilege and request my remarks be printed in the Journal.

I support the motion to lay over SB 2388 for good reasons.

Yesterday a fiscal note on this bill was read from the desk which, I am reliably informed, was never considered or seen by the committee or its chairman - a breakdown in procedure which cannot be countenanced in the proceedings before this body.

Recently a member of the minority was stopped on this floor for quoting because no opportunity exists to question the source and I agree with that decision. Yet we allowed a fiscal note on SB 2388, riddled with editorial opinion, to be read from the desk. Let me quote some examples from the fiscal note which has been read to this body. "However, it should be noted the actual amount of attorneys' fees that the Bureau would be required to pay is unlimited." Substantiated with what facts? "Workmen's Compensation Commission does not believe that this bill would provide a significant increase in benefits paid to injured workers." Substantiated with what facts?

I consider this fiscal note an abuse of the fiscal note process which is designed to give facts and have those facts screened and considered by a committee. The fiscal note process does not debate the issue nor register opinions. I'm not interested in laying blame on any person, I am only interested in identifying a misuse of one of our procedures to alert us all to see that it does not happen in the future. This body and its membership is perfectly capable of making its own decisions without causing our secretary to read unsubstantiated opinions.

The motion that SB 2388 be laid over two legislative days prevailed on a voice vote.

## MOTION

SEN. MUTCH MOVED that SCR 4001 be laid over two legislative days, which motion prevailed.

## FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Thane, Erickson introduced:

SCR 4037: A concurrent resolution directing the Legislative Council to study methods of requiring annual payments in certain eminent domain proceedings.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2151 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2151 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2205 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 29, remove the overstrike over the words  
"has been offered the"

On page 2, line 30, remove the overstrike over the word  
"claimant" and overstrike the words "would have been"  
and insert immediately thereafter the word "is"

On page 2, delete lines 32 through 35

On page 3, delete lines 1 and 2

On page 3, line 3, delete "such illness or disability exists"

On page 3, line 35, overstrike the word "has"

On page 5, line 35, delete the word "must" and insert in  
lieu thereof the word "shall"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2205 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2299 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "; and to provide a  
penalty"

On page 1, line 8, delete the words "Health care facility"  
and insert in lieu thereof the word "Facility", and  
delete the word "long-term" and insert in lieu  
thereof the words "skilled nursing"

On page 1, line 9, delete the word "health"

- On page 1, line 10, delete the word "skilled" and insert in lieu thereof the words "boarding homes"
- On page 1, line 11, delete the words "nursing care facility"
- On page 1, line 13, delete the words "health care"
- On page 1, line 15, delete the words "health care"
- On page 1, line 18, after the period insert the following sentence: "This statement must include rights, responsibilities of both the resident and the facility, and rules governing resident conduct and must be provided to the resident or legal guardian prior to or at the time of admission to the facility."
- On page 1, line 25, delete the words "health care"
- On page 2, line 4, delete the word "grievances" and insert in lieu thereof the word "complaints"
- On page 2, line 5, delete the words "health care"
- On page 2, line 9, delete the words ", and to join with other residents or" and insert in lieu thereof a period
- On page 2, delete lines 10 and 11
- On page 2, line 18, delete the words "health care"
- On page 2, line 23, after the word "administrator" insert the words "or manager"
- On page 2, line 24, delete the words "health care"
- On page 2, line 25, delete the words "health care"
- On page 2, line 29, delete the words "health care"
- On page 2, line 34, delete the words "not covered by the basic per diem rates of" and insert in lieu thereof the words "provided and the charges for those services." On page 2, delete line 35
- On page 3, line 1, delete the words "Security Act."
- On page 3, line 5, delete the words ", unless otherwise"
- On page 3, line 6, delete the words "indicated by the resident's physician,"

On page 3, line 9, delete the semicolon

On page 3, delete lines 12 through 16

On page 3, line 17, delete the letter "j" and insert in lieu thereof the letter "i", and delete the words "privacy in treatment and in caring"

On page 3, delete line 18

On page 3, line 19, delete the words "of personal and medical records, and"

On page 3, line 21, delete the letter "k" and insert in lieu thereof the letter "j"

On page 3, line 23, delete the letter "l" and insert in lieu thereof the letter "k"

On page 3, line 34, delete the letter "m" and insert in lieu thereof the letter "l", and delete the words "deny transfer or relocation on the" and insert in lieu thereof the words "be transferred or discharged only for

(1) Medical reasons;

(2) The resident's welfare or that of other residents; or

(3) Nonpayment of one's rent or fees"

On page 3, delete line 35

On page 4, delete lines 1 and 2

On page 4, line 3, delete the word "reasons"

On page 4, line 5, delete the words "health care"

On page 4, delete lines 6 through 11

On page 4, line 12, delete the letter "o" and insert in lieu thereof the letter "m", and delete the words "be given reasonable" and insert in lieu thereof the words "receive a thirty-day"

On page 4, line 14, delete the words "a licensed or registered"

On page 4, line 15, delete the words "nurse or"

On page 4, line 16, delete the letter "p" and insert in lieu thereof the letter "n", and delete the word "unremunerated"

On page 4, line 17, delete the words "health care", and after the word "facility" and before the period insert the words ", unless agreed to by the resident or legal guardian and established in the plan of cure as being therapeutic, as deemed by a physician"

On page 4, delete lines 18 through 27

On page 4, line 28, delete the words "with a copy of the statement." and insert in lieu thereof the numeral "2.", and delete the words "health care"

On page 4, line 34, after the word "Act" and before the period insert the words "through the ombudsman program"

On page 5, delete lines 1 through 3

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2299 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2371 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the word "education" insert the words "; and to provide an effective date"

On page 1, line 10, delete the words "is deemed to have"

On page 1, line 11, delete the word "made" and insert in lieu thereof the words "may elect to treat"

On page 1, line 11, delete the words "on the last day of" and insert in lieu thereof the words "as made in"

On page 1, line 12, delete the words "is made on account of"

On page 1, line 13, delete the words "that taxable year and is" and insert in lieu thereof the words "and election are"

On page 1, after line 16, insert the following new section:



"SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1982."

And renumber the lines and sections accordingly

SEN. GOODMAN, Chairman

SB 2371 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2384 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact a new section to chapter 57-38"

On page 1, delete lines 2 and 3

On page 1, line 4, delete the words "foreign nonprofit corporations; and"

On page 1, line 5, after the numeral "10-27-01" insert ", 10-28-05,"

On page 2, after line 13, insert the following section:

"SECTION 2. AMENDMENT. Section 10-28-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-28-05. Interrogatories by secretary of state. The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this section, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable him to ascertain whether such corporation has complied with all the provisions of chapters 10-24 through 10-28 applicable to such corporation and sources of funding for the corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by the president, vice president, secretary, or assistant secretary thereof. The secretary of state need not file any document to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the

answers thereto disclose that such document is not in conformity with the provisions of chapters 10-24 through 10-28. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of chapters 10-24 through 10-28."

On page 2, delete lines 24 through 30

And renumber the lines, sections, and pages accordingly  
SEN. REITEN, Chairman

SB 2384 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2402 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the second "and"

On page 1, line 4, after the word "penalties" and before the period insert the words "; and to provide an expiration date"

On page 6, line 23, delete the word "general" and insert in lieu thereof the words "state school"

On page 6, line 24, following the word "appropriate" insert the words "under section 29-27-02.1"

On page 7, line 6, delete the word "general" and insert in lieu thereof the words "state school"

On page 7, line 7, following the word "appropriate" insert the words "under section 29-27-02.1"

On page 7, line 11, delete the word "general" and insert in lieu thereof the words "state school"

On page 7, line 12, after the word "appropriate" insert the words "under section 29-27-02.1"

On page 14, after line 6, insert the following new section:

"SECTION 9. EXPIRATION DATE. This Act is effective through June 30, 1985, and after that date is ineffective."

And renumber the lines and pages accordingly  
SEN. CHRISTENSEN, Chairman

SB 2402 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2426 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2426 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2437 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "two-year" and insert in lieu thereof "three-year"

On page 2, line 7, delete the words "half of"

On page 2, line 8, delete the words "at the conclusion of the first school fiscal year" and insert in lieu thereof the words "within three school fiscal years"

On page 2, delete line 9

On page 2, line 10, delete the words "the second year following the issuance of that voucher"

And renumber the lines accordingly

SEN. PETERSON, Chairman

SB 2437 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2441 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SB 2441 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2448 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 6-09-15, 15-62.1-01, 15-62.1-02, 15-62.1-03, 15-62.1-04, 15-62.1-05, 15-62.1-10, 15-17-24,

54-17-25, and 54-17-26 of the North Dakota Century Code, relating to the powers of the Bank of North Dakota to make loans, the guarantee student loan program, the student loan trusts of the industrial commission, and student loan revenue bonds.

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

SECTION 1. AMENDMENT. Section 6-09-15 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09-15. Bank may make loans - Loan limitations.

1. The Bank of North Dakota may:

- a. Make loans to and purchase securities issued by instrumentalities of this state. Such loans shall be repaid with interest to the Bank.
- b. Make loans to state or national banks, bank holding companies, and North Dakota central credit union.
- c. Participate with state or national banks, bank holding companies, savings and loan associations, subsidiary corporations of state banking associations approved by the state banking board pursuant to section 6-03-38, and credit unions, in loans being made by them on such terms and under such rules and regulations as the industrial commission may determine.
- d. Buy and sell federal funds, excess reserves, bankers' acceptances, participation loans, and all securities issued by the United States government or its instrumentalities.
- e. Invest its funds in bonds, notes, or debentures of any corporation incorporated under the laws of any state of the United States rated at "A" or higher by a nationally recognized rating service approved by the industrial commission and short term commercial and finance company paper rated A-1 or P-1. Such investments shall not be made to exceed for any one

corporation ten percent of the combined capital and surplus of the Bank.

- f. Make loans to holders of Bank of North Dakota certificates of deposit and savings accounts up to ninety percent of the value of the certificates and savings accounts offered as security.
  - g. Make loans to actual farmers who are residents of this state, if such loans are secured by recorded mortgages giving the Bank of North Dakota a first lien on real estate in North Dakota in amounts not to exceed sixty-five percent of the value of the security.
  - h. Make United States insured and guaranteed loans as specifically authorized by law.
  - i. Make loans which are eligible to be guaranteed pursuant to chapter 15-62.1.
2. The Bank of North Dakota shall not otherwise make loans or give its credit to any individual, association, or private corporation.
  3. The Bank of North Dakota shall not loan more than thirty percent of its combined capital and surplus, nor in addition thereto, more than forty percent of its deposits on real estate security, excluding those loans insured or guaranteed by the United States government or its agencies.

SECTION 2. AMENDMENT. Section 15-62.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-01. Guarantee student loan program - Administration - Advisory board. The Bank of North Dakota, hereinafter called the "agency", shall be the state agency designated to administer a state guarantee loan ~~program programs~~, as provided in this chapter. The advisory board of directors to the Bank of North Dakota appointed pursuant to chapter 6-09.1 shall act in an advisory capacity concerning the ~~program programs~~. The agency, upon recommendation of the advisory board and subject to approval of the industrial commission, ~~may shall~~ expend moneys from the interest earned on the principal balance in the reserve ~~fund funds~~ established pursuant to this

chapter as may be necessary to implement and administer the program programs. The term "student" includes a parent borrower under this chapter.

SECTION 3. AMENDMENT. Section 15-62.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-02. Powers and duties of the Bank of North Dakota agency. The Bank of North Dakota agency shall have the following powers and duties under this chapter:

1. To guarantee the loan of money by eligible lending institutions; all loans which satisfy the requirements set forth in title IV, part B, of the Higher Education Act of 1965, as amended, upon such terms, conditions, and application procedures, commensurate with the applicable provisions of the Federal Higher Education Act of 1965 [20 U.S.C. 1001 et seq.], as amended, which it may establish if federal coinsurance of student loans guaranteed by the agency is available. If at any time the agency determines that student loans made under the terms and conditions of federal coinsurance programs are no longer adequately serving the needs of North Dakota students attending postsecondary institutions, or if federal coinsurance is no longer available, the agency shall notify the industrial commission or its designee. Upon approval of the industrial commission or its designee, the agency shall guarantee student loans without federal coinsurance pursuant to rules made by the agency relating to terms for applicant eligibility in accordance with the provisions of this chapter; to students who meet such requirements as may be determined necessary, prior to making application under this chapter, and who are. If loans are guaranteed without federal coinsurance, the agency may not adopt eligibility requirements or loan limits for student loans to qualify for guarantee by the agency which are more restrictive than those eligibility requirements or loan limits existent as of the date the industrial commission approves the guarantee of loans without federal coinsurance or the date of the termination of programs providing for federal

coinsurance of loans guaranteed by the agency. Students whose loans are guaranteed by the agency shall be students who have been accepted for enrollment or are attending an eligible postsecondary institution institutions located within or without this state to assist, and whose loans are for the purpose of assisting them in meeting their expenses of postsecondary education. Students who are accepted for enrollment or are attending an eligible postsecondary institution institutions on at least a half-time basis, as determined by the postsecondary institution institutions, shall be eligible for to have loans hereunder guaranteed by the agency. The agency shall, by rule, establish minimum qualifications for a person to be deemed a part-time student for purposes of this chapter.

2. To take, hold, and administer, on behalf of the state from any source any real property, personal property and moneys, or any interest therein, and the income therefrom, either absolutely or in trust, for any purpose of the guarantee loan program; provided, that no guarantee obligation of the agency shall be an a general obligation of the agency, state of North Dakota, nor shall be payable out of any moneys except those made available to it the agency under this chapter.
3. To adopt rules and regulations not inconsistent with law, governing the qualifications and financial needs of students, and establish a method of application for the granting, administration, and repayment of loans which may be made by eligible lending institutions, and make such other rules as may be necessary to properly administer this chapter.

SECTION 4. AMENDMENT. Section 15-62.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-03. Agency shall prescribe the rate Rates of interest permissible for guaranteed loans. Any loan All loans guaranteed by the agency shall bear simple interest at a rate not in excess of the interest charged by the lender to other persons for

similar types of loans not guaranteed by the agency unless the agency determines that such a higher rate of interest is justified by special circumstances and would be consistent with the general objectives of this chapter an coinsured by the federal government shall bear interest at rates which are no greater than those provided under the federally coinsured loan programs. In the event that the agency guarantees student loans without federal coinsurance pursuant to section 15-62.1-02, such loans shall bear interest at rates which are no greater than the base participation rate as established by the Bank of North Dakota, plus two percentage points, in effect on the date the loan is made.

SECTION 5. AMENDMENT. Section 15-62.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-04. Repayment of loans. Repayment The agency shall establish rules for the repayment, or deferment of repayment, of loans guaranteed under this chapter shall be consistent with the provisions of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended, and shall also establish rules for the repayment, or deferment of repayment, of loans guaranteed by the agency which are not coinsured by the federal government.

SECTION 6. AMENDMENT. Section 15-62.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-05. Establishment and maintenance of adequate guarantee funds. The agency shall establish and at all times maintain from funds appropriated under this chapter an adequate guarantee reserve fund funds in a special account accounts in the Bank of North Dakota which fund. The fund for loans which are coinsured by the federal government shall be maintained at a minimum amount equal to two percent of the unpaid principal amount of the loans. The fund for loans which are not coinsured by the federal government shall not be less than one-tenth of the dollar value of the total portion of such loans not insured by the federal government. The agency is authorized to enter into an agreement with the federal government for the coinsurance of loans guaranteed under this program. The securities in which the moneys in the reserve fund funds may be invested shall meet the same requirements as those authorized for investment under the state investment board. The income from such investments shall be made available for the costs of administering the guarantee loan program



programs and income in excess of that required to pay the cost of administering the program programs shall be deposited in the reserve fund funds. The proceeds of such reserve fund funds received from federal, state, or private sources for the purpose of guaranteeing loans made to students as provided in this chapter are hereby appropriated as a continuing appropriation for the payment of defaulted loans. This fund shall be a self-sustaining revelving fund; and the amount of such fund to be available for the guaranteeing of loans in any one year shall be determined by a formula which will assure so far as possible an equal amount of reserve funds being available for each future year of operation.

SECTION 7. AMENDMENT. Section 15-62.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-10. Eligibility for participation in federal student loan program. The agency is directed to comply with such requirements as may be necessary to enter into an agreement with the government of the United States for the purpose of procuring funds and assistance for the administration, development, and operation of a guarantee loan program. No provision of this chapter shall be construed or have the effect of preventing the agency from complying with the guarantee loan program requirements of title IV, part B, of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), or similar acts of the Congress of the United States or with any amendments thereto relating to the guarantee loan program. In the event that the agency guarantees student loans without federal coinsurance, the agency shall, by rule, establish terms, conditions, and standards governing the operation and administration of the guarantee student loan program. In no case, however, may the agency rules serve to further restrict eligibility requirements or loan limits from those which were applicable as of the date the industrial commission approves the guarantee of loans without federal coinsurance or the date of the termination of federal programs providing coinsurance of student loans.

SECTION 8. AMENDMENT. Section 54-17-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-24. State trust trusts created. The industrial commission is hereby authorized and directed to acquire and to hold in trust separate trusts all unpaid United States government guaranteed and North Dakota guaranteed student loans belonging

to the state of North Dakota or to any of its agencies, departments, or institutions which may be endorsed or assigned to it, such guaranteed student loans a ~~trust~~ held in the trusts as security for ~~special coupon~~ bonds of the state to be issued as and in the manner the commission shall decide. All guaranteed student loans so held in ~~trust~~ the trusts and the collections therefrom and the increments thereto shall be held in a special ~~fund~~ funds as the source of payment of ~~special coupon~~ bonds of North Dakota to be issued, none of which bonds shall constitute indebtedness of the state.

SECTION 9. AMENDMENT. Section 54-17-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-25. Bonds authorized. Whenever the industrial commission decides that it is in the public interest to diminish the investment of state funds in United States government guaranteed or North Dakota guaranteed student loans, that it will be difficult to divest the state of appreciable amounts of such loans by piecemeal offering to the investing and saving public, that business conditions are favorable to a state-sponsored program to consolidate state-held student loans, and to enlarge private participation in such loans, the commission may by plenary resolution duly adopted in accordance with the provisions hereof authorize preparation, sale, and issuance of revenue bonds of North Dakota in such amounts and at such times and in such form as the commission shall determine to be for the public good. The bonds shall be a paramount charge upon a sufficient designated portion of the resources of the student loan ~~trust~~ trusts, subject only to necessary administrative expenses of the ~~trust~~ trusts duly appropriated out of the interest earning resources thereof. The bonds may bear such rate or rates of interest as the commission may provide. The bonds shall have all of the qualities and incidents of negotiable paper and shall not be subject to taxation by the state of North Dakota or by any county, municipality, or political subdivision therein. The bonds shall be payable solely out of resources generated from collection of payments on and earnings and proceeds of United States government guaranteed or North Dakota guaranteed student loans, and shall so recite. They shall not be indebtedness of the state of North Dakota or of any agency, board, department, or officer or agent thereof.

SECTION 10. AMENDMENT. Section 54-17-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-17-26. Bonds eligible for investment. ~~Special coupon bonds~~ Bonds issued under section 54-17-25 may be acquired and held by banks and by savings and loan associations of this state as well as by all public trust funds. They may be issued and sold at public or private sale or by negotiation as the industrial commission may direct."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2448 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2471 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Delete all of the language on both pages of the bill following the word "Act" on page 1, line 1 of the bill and insert in lieu thereof the following language: "to create and enact two new sections to chapter 52-04 of the North Dakota Century Code, relating to advances from the federal unemployment trust fund; to amend and reenact subsections 1 and 2 of section 52-03-01, section 52-03-02, and subsection 2 of section 52-04-11 of the North Dakota Century Code, relating to the unemployment compensation fund, the state treasurer and the unemployment compensation fund, and interest and penalties; to provide an effective date; and to declare an emergency.

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

SECTION 1. A new section to chapter 52-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Advances from federal unemployment trust fund.  
The governor is authorized to apply for advances to  
the state of North Dakota from the federal  
unemployment trust fund and to accept responsibility  
for repayment of such advances in accordance with the  
conditions specified in title XII of the Social  
Security Act, as amended, in order to secure to this  
state the advantages available under the provisions  
of said title.

Advances from the federal unemployment trust fund which are interest-bearing shall have such interest cost assessed against and paid from the federal advance repayment fund.

SECTION 2. A new section to chapter 52-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Federal advance interest repayment fund. There is created the federal advance interest repayment fund, to which will be credited all assessments collected by the division for the purpose of paying interest due on federal advances to the state trust fund. The fund shall consist of all interest collected on delinquent contributions and all penalties provided by the Unemployment Compensation Law. All moneys accruing to this fund in any manner shall be maintained in this separate account.

After all known interest charges have been paid, any remaining moneys in the fund may be transferred to the unemployment compensation fund.

SECTION 3. AMENDMENT. Subsections 1 and 2 of section 52-03-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. All contributions collected under the North Dakota Unemployment Compensation Law ~~together with any interest thereon collected pursuant to section 52-04-11.~~
2. All fines and penalties collected pursuant to the provisions of the North Dakota Unemployment Compensation Law.

SECTION 4. AMENDMENT. Section 52-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-03-02. State treasurer to be treasurer of unemployment compensation fund - Issuance of warrants - Additional bond of treasurer. The state treasurer shall be ex officio the treasurer and custodian of the unemployment compensation fund, and the federal advance interest repayment fund and shall administer such ~~fund~~ funds in accordance with the direction of the bureau, and shall issue his warrants upon it in accordance with such regulations as the bureau shall prescribe. The treasurer shall give a separate bond in an amount fixed by the bureau and in a form prescribed by law or approved by the attorney general. Such bond shall be conditioned for the

faithful performance of his duties as custodian of the fund. Premiums for such bond shall be paid from the administration fund.

SECTION 5. AMENDMENT. Subsection 2 of section 52-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The amount added pursuant to the provision of this section shall be collected at the same time and in the same manner and as a part of the contributions and shall be paid into the unemployment trust fund federal advance interest repayment fund.

SECTION 6. EFFECTIVE DATE. This Act becomes effective on January 1, 1983.

SECTION 7. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly  
SEN. REITEN, Chairman

SB 2471 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2492 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the remainder of the bill after the words "A Bill for an Act" and insert in lieu thereof the following: "to create and enact a new chapter to title 21 of the North Dakota Century Code, relating to the registration of public obligations; to amend and reenact subsection 3 of section 41-08-02 of the North Dakota Century Code, relating to the definition of a clearing corporation; and to declare an emergency.

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

SECTION 1. A new chapter to title 21 of the North Dakota Century Code is hereby created and enacted to read as follows:

Definitions. As used in this Act, the following terms have the following meanings:

1. "Authorized officer" means any individual required or permitted, alone or with others, by any provision of law or by the issuing public entity, to execute on behalf of the public entity a certificated registered public obligation or a writing relating to an uncertificated registered public obligation.
2. "Certificated registered public obligation" means a registered public obligation which is represented by an instrument.
3. "Code" means the Internal Revenue Code of 1954, as amended.
4. "Financial intermediary" means a bank, broker, clearing corporation or other person or the nominee of any of them, which in the ordinary course of its business maintains registered public obligation accounts for its customers, when so acting.
5. "Issuer" means a public entity which issues an obligation.
6. "Obligation" means an agreement of a public entity to pay principal and any interest thereon, and includes a share, participation, or other interest in any such agreement.
7. "Official actions" means the actions by statute, order, ordinance, resolution, contract, or other authorized means by which the issuer provides for issuance of a registered public obligation.
8. "Official or official body" means the officer that is empowered under the laws of this state to provide for original issuance of an obligation of the issuer, by defining the obligation and its terms, conditions and other incidents, the successor or successors of any such official or official body, and such other person or group of persons as shall be assigned duties of such official or official body with respect to a registered public obligation under applicable law from time to time.
9. "Public entity" means any entity, department or agency which is empowered under the laws of this state, to issue obligations any interest with respect to which may, under any provision of law, be provided an exemption from the income tax referred to in the Code.

10. "Registered public obligation" means an obligation issued by a public entity pursuant to a system of registration.
11. "System of registration" and its variants means a plan that provides:
  - a. With respect to a certificated registered public obligation that
    - (1) The certificated registered public obligation specify a person entitled to the registered public obligation and the rights it represents, and
    - (2) Transfer of the certificated registered public obligation and the rights it represents may be registered upon books maintained for that purpose by or on behalf of the issuer; and
  - b. With respect to an uncertificated registered public obligation, that
    - (1) Books maintained by or on behalf of the issuer for the purpose of registration of the transfer of a registered public obligation specify a person entitled to the registered public obligation and the rights evidenced thereby, and
    - (2) Transfer of the uncertificated registered public obligation and the rights evidenced thereby be registered upon such books.
12. "Uncertificated registered public obligation" means a registered public obligation which is not represented by an instrument.

Systems of registration.

1. Each issuer is authorized to establish and maintain a system of registration with respect to each obligation which it issues. The system may either be
  - a. A system pursuant to which only certificated registered public obligations are issued, or
  - b. A system pursuant to which only uncertificated registered public obligations are issued, or

- c. A system pursuant to which both certificated and uncertificated registered public obligations are issued. The issuer may amend, discontinue and reinstitute any system, from time to time, subject to covenants.
2. The system shall be established, amended, discontinued, or reinstituted for the issuer by, and shall be maintained for the issuer as provided by, the official or official body.
3. The system shall be described in the registered public obligation or in the official actions which provide for original issuance of the registered public obligation, and in subsequent official actions providing for amendments and other matters from time to time. Such description may be by reference to a program of the issuer which is established by the official or official body.
4. The system shall define the method or methods by which transfer of the registered public obligation shall be effective with respect to the issuer, and by which payment of principal and any interest shall be made. The system may permit the issuance of registered public obligations in any denomination to represent several registered public obligations of smaller denominations. The system may also provide for the form of any certificated registered public obligation or of any writing relating to an uncertificated registered public obligation, for identifying numbers or other designations, for a sufficient supply of certificates for subsequent transfers, for record and payment dates, for varying denominations, for communications to holders or owners of obligations, and for accounting, canceled certificate destruction registration and release of security interests and other incidental matters. Unless the issuer otherwise provides, the record date for interest payable on the first or fifteenth day of a month shall be the fifteenth day or the last business day of the preceding month, respectively, and for interest payable on other than the first or fifteenth day of a month, shall be the fifteenth calendar day before the interest payment date.
5. Under a system pursuant to which both certificated and uncertificated registered public obligations are issued, both types of registered public obligations may be regularly issued, or



one type may be regularly issued and the other type issued only under described circumstances or to particular described categories of owners and provision may be made for registration and release of security interests in registered public obligations.

6. The system may include covenants of the issuer as to amendments, discontinuances, and reinstitutions of the system and the effect of such on the exemption of interest from the income tax provided for by the Code.
7. Whenever an issuer shall issue an uncertificated registered public obligation, the system of registration may provide that a true copy of the official actions of the issuer relating to such uncertificated registered public obligation be maintained by the issuer or by the person, if any, maintaining such system on behalf of the issuer, so long as the uncertificated registered public obligation remains outstanding and unpaid. A copy of such official actions, verified to be such by an authorized officer, shall be admissible before any court of record, administrative body or arbitration panel without further authentication.
8. Nothing in this Act shall preclude a conversion from one of the forms of registered public obligations provided for by this Act to a form of obligations not provided for by this Act if interest on the obligation so converted will continue to be exempt from the income tax provided for by the Code.
9. The rights provided by other laws with respect to obligations in forms not provided for by this Act shall, to the extent not inconsistent with this Act, apply with respect to registered public obligations issued in forms authorized by this Act.

#### Execution - Authentication.

1. A certificated registered public obligation shall be executed by the issuer by the manual or facsimile signature or signatures of authorized officers. Any signature of an authorized officer may be attested by the manual or facsimile signature of another authorized officer.
2. In addition to the signatures referred to in subsection 1 of this section any certificated

registered public obligation or any writing relating to an uncertificated registered public obligation may include a certificate or certificates signed by the manual or facsimile signature of an authenticating agent, registrar, transfer agent or the like.

3. At least one signature of an authorized officer or other person required or permitted to be placed on a certificated registered public obligation shall be a manual signature.

#### Signatures.

1. Any certificated registered public obligation signed by the authorized officers at the time of the signing thereof shall remain valid and binding, notwithstanding that before the issuance thereof any or all of such officers shall have ceased to fill their respective offices.
2. Any authorized officer empowered to sign any certificated registered public obligation may adopt as and for the signature of such officer the signature of a predecessor in office in the event that such predecessor's signature appears on such certificated registered public obligation. An authorized officer incurs no liability by adoption of a predecessor's signature that would not be incurred by such authorized officer if the signature were that of such authorized officer.

Seal. When a seal is required or permitted in the execution of any certificated registered public obligation, an authorized officer may cause the seal to be printed, engraved, stamped, or otherwise placed in facsimile thereon. The facsimile seal has the same legal effect as the impression of the seal.

#### Agents - Depositories.

1. An issuer may appoint for such term as may be agreed, including for so long as a registered public obligation may be outstanding, corporate or other authenticating agents, transfer agents, registrars, paying or other agents specify the terms of their appointment, including their rights, their compensation and duties, limits upon their liabilities and provision for their payment of liquidated damages in the event of breach of certain of the duties imposed, which liquidated damages may be made payable to the issuer, the owner or a financial intermediary.

None of such agents need have an office or do business within this state.

2. An issuer may agree with custodian banks and financial intermediaries, and nominees of any of them, in connection with the establishment and maintenance by others of a central depository system for the transfer or pledge of registered public obligations. Any such custodian banks and financial intermediaries, and nominees, may, if qualified and acting as fiduciaries, also serve as authenticating agents, transfer agents, registrars, paying or other agents of the issuer with respect to the same issue of registered public obligations.
3. Nothing shall preclude the issuer from itself performing, either alone or jointly with other issuers, any transfer, registration, authentication, payment or other function described in this section.

Costs - Collection.

1. An issuer, prior to or at original issuance of registered public obligations, may provide as a part of a system of registration that the transferor or transferee of the registered public obligations pay all or a designated part of the costs of the system as a condition precedent to transfer, that costs be paid out of proceeds of the registered public obligations, or that both methods be used. The portion of the costs of the system not provided to be paid for be the transferor or transferee or out of proceeds shall be the liability of the issuer.
2. The issuer may as part of a system of registration provide for reimbursement or for satisfaction of its liability by payment by others. The issuer may enter into agreements with others respecting such reimbursement or payment, may establish fees and charges pursuant to such agreements or otherwise, and may provide that the amount or estimated amount of such fees and charges shall be reimbursed or paid from the same sources and by means of the same collection and enforcement procedures and with the same priority and effect as with respect to the obligations.

Security for deposits. Obligations issued by public entities under the laws of this state which are in registered form, whether or not represented by an

instrument, and which, except for their form, satisfy the requirements with regard to security for deposits of moneys of public agencies prescribed pursuant to any law of this state, shall be deemed to satisfy all such requirements even though they are in registered form if a security interest in such obligations is perfected on behalf of the public agencies whose moneys are so deposited.

Public records - Locations.

1. Records, with regard to the ownership of or security interests in registered public obligations, are not subject to inspection or copying under any law of this state relating to the right of the public to inspect or copy public records, notwithstanding any law to the contrary.
2. Registration records of the issuer may be maintained at such locations within or without this state as the issuer shall determine.

Applicability - Determination.

1. Unless at any time prior to or at original issuance of a registered public obligation the official or official body of the issuer determines otherwise, this Act shall be applicable to such registered public obligation notwithstanding any provision of law to the contrary. When this Act is applicable, no contrary provision shall apply.
2. Nothing in this Act limits or prevents the issuance of obligations in any other form or manner authorized by law.
3. Unless determined otherwise pursuant to subsection 1 of this section, the provisions of this Act shall be applicable with respect to obligations which have heretofore been approved by vote, referendum or hearing, authorizing or permitting the authorization of obligations in bearer and registered form, or in bearer form only, and such obligations need not be resubmitted for a further vote, referendum or hearing, for the purpose of authorizing or permitting the authorization of registered public obligations pursuant to this Act.

Construction. This Act shall be construed in conjunction with the Uniform Commercial Code and the principles of contract law relative to the registration and transfer of obligations.

Amendment or repeal - Effect. The state hereby covenants with the owners of any registered public obligations that it will not amend or repeal this Act if the effect may be to impair the exemption from income taxation of interest on registered public obligations.

SECTION 2. AMENDMENT. Subsection 3 of section 41-08-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A "clearing corporation" is the Bank of North Dakota or a corporation:
  - a. At least ninety percent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom:
    - (1) Is subject to supervision or regulation pursuant to ~~the provisions of~~ federal or state banking laws or state insurance laws; or
    - (2) Is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940; or
    - (3) Is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of twenty percent of the capital stock of such corporation; and
  - b. Any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after passage and approval."

And renumber the lines, sections, and pages accordingly

SEN. REITEN, Chairman

SB 2492 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1049 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numeral "\$60.00" and insert in lieu thereof the numeral "\$75.00"

On page 1 of the engrossed bill, line 18, delete the numeral "25.00" and insert in lieu thereof the numeral "35.00"

On page 1 of the engrossed bill, line 22, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 1 of the engrossed bill, line 27, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 2 of the engrossed bill, line 12, delete the numeral "40.00" and insert in lieu thereof the numeral "45.00"

On page 2 of the engrossed bill, line 17, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 2 of the engrossed bill, line 27, delete the numeral "20.00" and insert in lieu thereof the numeral "35.00"

On page 2 of the engrossed bill, line 34, delete the numeral "10.00" and insert in lieu thereof the numeral "20.00"

On page 4 of the engrossed bill, line 8, delete the numeral "25.00" and insert in lieu thereof the numeral "30.00"

On page 5 of the engrossed bill, line 5, delete the word "fifty" and overstrike the word "cents" and insert immediately thereafter the words "one dollar"

On page 5 of the engrossed bill, line 11, delete the word "twenty-five" and insert in lieu thereof the word "fifty"

And renumber the lines accordingly

SEN. LODOEN, Chairman

HB 1049 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1058 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 19, delete the numeral "34-05-01.2,"
- On page 1 of the engrossed bill, line 22, after the second comma insert the words "subsection 6 of section 40-58-18, subsection 4 of section 41-09-35,"
- On page 2 of the engrossed bill, line 5, after the third comma insert the words "subsection 11 of section 55-08-03"
- On page 2 of the engrossed bill, line 19, delete the words "; and to provide an effective date"
- On page 50 of the engrossed bill, delete lines 1 through 14
- On page 64 of the engrossed bill, after line 24, insert the following new sections:

"SECTION 85. AMENDMENT. Subsection 6 of section 40-58-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 6. An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ~~article~~ chapter, including the following power in addition to others herein granted:
  - a. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
  - b. To administer oaths, affirmations, examine witnesses and receive evidence;
  - c. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for

this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of such ordinance; and
- e. To delegate any of his functions and powers under such ordinance to such officers, agents and employees as he may designate.

SECTION 86. AMENDMENT. Subsection 4 of section 41-09-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 4. When under subsections 1 ~~or 2~~ and 3 or subsections 2 and 3, a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation."

On page 106 of the engrossed bill, after line 35, insert the following new section:

"SECTION 141. AMENDMENT. Subsection 11 of section 55-08-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 11. The director may provide for marking and posting of park and highway signs which shall indicate metric measures within all state parks, state campgrounds, state recreation areas, or reserves. Such park and highway signs shall be marked and posted in a manner which shall conform as far as possible with such metric highway signs as the state highway commissioner



shall approve pursuant to section  
24-01-08,\* 39-13-06."

On page 117 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly  
SEN. CHRISTENSEN, Chairman

HB 1058 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1156 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

HB 1156 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1179 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

HB 1179 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1183 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1183 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1188 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 6 of the engrossed bill, line 2, after the word  
"blood" insert the words ", breath, saliva, or urine"

And renumber the lines accordingly  
SEN. CHRISTENSEN, Chairman

HB 1188 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1190 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

HB 1190 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1225 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, overstrike the word "two" and insert immediately thereafter the word "five"

On page 1, line 24, overstrike the word "two" and insert immediately thereafter the word "five"

And renumber the lines accordingly

SEN. REITEN, Chairman

HB 1225 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1231 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

HB 1231 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF A SENATE BILL

SB 2162: A BILL for an Act making an appropriation to defray expenses for claim payments to civil air patrol members.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2162 passed and the title was agreed to.

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## MOTION

SEN. LIPS MOVED that SB 2286 be rereferred to the Committee on Appropriations, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2363: A BILL for an Act to create and enact a new section to chapter 49-18 of the North Dakota Century Code, relating to motor vehicle leasing for common and contract motor carriers.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lee; Leibhan; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Bakewell; Lashkowitz

ABSENT AND NOT VOTING: Holmberg; Lips; Wenstrom

SB 2363 passed and the title was agreed to.

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## MOTION

SEN. NETHING MOVED that SB 2363 be reprinted, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2421: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a scale of minimum contributions for child support.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Kusler; Lashkowitz

ABSENT AND NOT VOTING: Holmberg; Krauter; Tennefos; Wenstrom

SB 2421 passed and the title was agreed to.

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#### MOTION

SEN. NETHING MOVED that SB 2421 be reprinted, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2453: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing a revenue-producing steam line at the university of North Dakota; to provide an appropriation; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 35 YEAS, 16 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Nething; Olson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Adams; Bakewell; David; Dykshoorn; Erickson; Lee; Leibhan; Meyer, D.; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Tennefos; Thane

ABSENT AND NOT VOTING: Holmberg; Wenstrom

SB 2453 passed, the title was agreed to, and the emergency clause carried.

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SB 2454: A BILL for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to the identification of motor vehicles owned by the state.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Fritzell; Kusler; Matchie; Meyer, D.

ABSENT AND NOT VOTING: Holmberg; Wenstrom

SB 2454 passed and the title was agreed to.

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SB 2460: A BILL for an Act to establish a state advisory commission on intergovernmental relations.

Which has been read and has committee recommendation of DO NOT PASS.

## POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal.

Mr. President, ladies and gentlemen of the Senate. I rise not to object to the committee report but I want to point out to this body that the purpose of this particular bill was to help solve some of the problems that exist between state government and local government, primarily the cities, the counties and the townships. Mr. President, ladies and gentlemen of the Senate, when this bill was initially heard in the Senate State and Federal Government Committee, there was a representative of the county association that did appear in support of it. This body should know that there was no representative from the cities and there were no representatives from the townships. In accordance with our rules and while the bill

does not have an appropriation, it certainly had a fiscal note and it was referred then to the Appropriations Committee. At that point, no one on behalf of the counties appeared, no one on behalf of the cities appeared and no one on behalf of the townships appeared. Now I point that out to you because I think this would have been a good vehicle to help solve some of the problems that exist, some of the problems that local governments have with state government and provide a form for the appropriate expression. I can't ask you to vote for this bill when the very people involved, the cities, the counties and the townships don't care, so I hope you support the committee report.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 51 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Vosper

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg

SB 2460 was declared lost.

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SB 2489: A BILL for an Act to amend and reenact section 39-06-33 of the North Dakota Century Code, relating to suspension of driver's license for incompetence to drive and rehearings on the issue of competence.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker;

Peterson; Redlin; Satrom; Stenehjelm; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Reiten

SB 2489 passed and the title was agreed to.

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SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4033: A concurrent resolution directing the Legislative Council to study the operation of and need for a tax appeals board to provide taxpayers a prompt, efficient, and inexpensive review procedure for decisions made in administration and application of state property tax laws.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4033 was declared adopted on a voice vote.

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SCR 4035: A concurrent resolution directing the Legislative Council to study natural gas pipelines in this state.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4035 was declared adopted on a voice vote.

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MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1314

Very respectfully,  
CHARLES FLEMING, Chief Clerk

FIRST READING OF HOUSE BILLS

HB 1097: A BILL for an Act to amend and reenact section 40-46-02 of the North Dakota Century Code, relating to city employee pension plans; and to repeal section 40-46-02.1 of the North Dakota Century Code, relating to the mill levy

limitation for city employee pension funds in cities which have not adopted civil service systems for city employees. Was read the first time and referred to the **Committee on Political Subdivisions**.

HB 1224: A BILL for an Act to amend and reenact subsections 2 and 3 of section 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to educational support per pupil and aid for transportation. Was read the first time and referred to the **Committee on Education**.

HB 1312: A BILL for an Act to amend and reenact section 57-54.1-11 of the North Dakota Century Code, relating to a fee for motor fuel licensees who fail to file reports. Was read the first time and referred to the **Committee on Transportation**.

HB 1315: A BILL for an Act to amend and reenact section 57-40.3-11 of the North Dakota Century Code, relating to penalties for failure to submit a "motor vehicle purchaser's certificate". Was read the first time and referred to the **Committee on Transportation**.

HB 1319: A BILL for an Act relating to the marking of containers used for liquefied petroleum gas, and regulating the filling, transferring, and possession of marked containers; and to provide a penalty. Was read the first time and referred to the **Committee on Transportation**.

HB 1332: A BILL for an Act to amend and reenact sections 11-01-04 and 11-01-37 of the North Dakota Century Code, relating to correction of boundary descriptions of Benson County and Ramsey County. Was read the first time and referred to the **Committee on Political Subdivisions**.

HB 1364: A BILL for an Act to amend and reenact sections 14-08.1-01 and 14-08.1-02 of the North Dakota Century Code, relating to the enforcement of child support obligations. Was read the first time and referred to the **Committee on Social Services and Veterans Affairs**.

HB 1420: A BILL for an Act to amend and reenact sections 43-30-01, 43-30-02, 43-30-03, 43-30-04, 43-30-05, 43-30-06, 43-30-09, 43-30-10, 43-30-11, 43-30-12, 43-30-15, and 43-30-16 of the North Dakota Century Code, relating to the licensure of detectives and providing for the licensure of private investigators and private security services; to repeal section 43-30-07 of the North Dakota Century Code, relating to the contents and posting of a license; to provide a penalty; and to provide an effective date. Was read the first time and referred to the **Committee on Judiciary**.



HB 1429: A BILL for an Act to amend and reenact sections 15-10-25.1, 44-08-04, 44-08-04.3, and 54-06-10 of the North Dakota Century Code, relating to state employee travel allowances and moving expenses and the requirement for the elected state officials and presidents of institutions of higher education to receive out-of-state travel authorization.

Was read the first time and referred to the Committee on State and Federal Government.

HB 1434: A BILL for an Act to amend and reenact sections 40-29-04 and 40-31-02 of the North Dakota Century Code, relating to assessment of the expense for sidewalks or curb and gutter construction, repair, or rebuilding.

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

HB 1435: A BILL for an Act to authorize the governor to make agreements with the state of Montana and relevant federal agencies for renewal of certain Amtrak rail passenger service.

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

HB 1442: A BILL for an Act to amend and reenact section 57-06-01 of the North Dakota Century Code, relating to the ad valorem taxation of domestic public land mobile radio services.

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

HB 1444: A BILL for an Act to amend and reenact section 27-20-30 of the North Dakota Century Code, relating to the disposition of juvenile court cases.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1445: A BILL for an Act to create and enact two new sections to chapter 62-04 of the North Dakota Century Code, relating to regulation of firearms and ammunition; and to provide a penalty.

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

HB 1446: A BILL for an Act to amend and reenact section 57-20-07.1 of the North Dakota Century Code, relating to the mailing of real estate tax statements by the county treasurer.

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

HB 1456: A BILL for an Act to amend and reenact section 4-14.2-02 of the North Dakota Century Code, relating to the membership in the northern crops council.

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

HB 1466: A BILL for an Act to amend and reenact section 36-09-20 of the North Dakota Century Code, relating to the bill of sale requirements for registered livestock.

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

HB 1509: A BILL for an Act to amend and reenact sections 11-23-02, 11-23-05, and 11-23-09 of the North Dakota Century Code, relating to county budget procedures.

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

HB 1552: A BILL for an Act to amend and reenact sections 40-21-02 and 40-21-03 of the North Dakota Century Code, relating to city election officials.

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

HB 1559: A BILL for an Act to create and enact a new section to chapter 39-07 of the North Dakota Century Code, relating to wrecker and towing services responsibilities in reporting accidents.

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

HB 1587: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to requirement of use of child restraint systems in certain motor vehicles; to provide a penalty; and to provide an effective date.

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

HB 1604: A BILL for an Act to amend and reenact section 27-07.1-04 of the North Dakota Century Code, relating to salaries of county judges.

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

HB 1636: A BILL for an Act to repeal section 61-16.2-07 of the North Dakota Century Code, relating to prohibited uses within a floodway.

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

HB 1700: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the authority of the game and fish commissioner to adopt rules with respect to fishing contests.

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

## MOTIONS

SEN. NELSON MOVED that the absent Senator be excused, which motion prevailed.

SEN. NOTHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2007, SB 2008, SB 2010, SB 2011, SB 2012, SB 2013, SB 2014, SB 2026, SB 2036, SB 2041, SB 2084, SB 2151, SB 2172, SB 2264, SB 2296, SB 2351, SB 2365, SB 2401, SB 2426, SB 2441, SB 2449, SB 2455, SB 2479, HB 1002, HB 1043, HB 1046, HB 1048, HB 1050, HB 1066, HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111, HB 1112, HB 1113, HB 1114, HB 1118, HB 1122, HB 1123, HB 1136, HB 1142, HB 1145, HB 1154, HB 1156, HB 1160, HB 1179, HB 1180, HB 1181, HB 1183, HB 1185, HB 1186, HB 1190, HB 1193, HB 1194, HB 1195, HB 1205, HB 1227, HB 1231, HB 1232, HB 1304, HB 1313, HB 1320, HB 1411, HCR 3001, HCR 3003, and HCR 3008, the Senate adjourn and convene at 12:30 p.m., Friday, February 11, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary