

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FIFTEENTH DAY

Bismarck, January 26, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Helen Beth Kuhens, Trinity Parish, Hannaford.

Let us pray. Almighty and gracious God, as this body comes together at the beginning of another week, we pray for Your presence, wisdom, and direction.

We give thanks for each one gathered here. We give thanks not only for them but also for their families who have been willing to adjust to many changes so that they could serve here. In these days of stress and change we pray for the health and wholeness of each family represented here. We pray especially for Your healing and wholeness for Lieutenant Governor Ruth Meiers. Grant courage and strength to her family.

As these elected servants consider and debate the tough issues before them this day, enable them to hear and deliberate with understanding and to act with justice.

Heavenly Father, look with compassion on the whole human family. Give us all concern for one another that we may together seek for ways of justice and peace in Your world.

Hear us, O Lord. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fourteenth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HB 1044, HB 1094, HB 1137, HB 1171, HB 1172, HB 1200,
HB 1210, HB 1224, HB 1232, HB 1242, HB 1260, HB 1266,
HB 1278, HB 1280, HB 1281, HB 1283, HB 1290, HB 1313,
HB 1337

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HCR 3019

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2077, SB 2090, SB 2102, SB 2143, SB 2144, SB 2148,
SB 2151, SB 2179, SB 2180, SB 2206, SB 2230, SB 2254,
SB 2271

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2071 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, after the word "records" insert the words "for the lease"

On page 1, line 12, after the word "lease" insert the words "or division order"

On page 1, line 16, after the period, insert the words "A royalty owner may bring an action to compel the person obligated to pay royalties to allow inspection and copying of oil and gas production royalty payment records. In order for the royalty owner to prevail in such an action, the royalty owner must establish that:

1. The royalty owner or his assignee complied with notice requirements of this section;

2. The notice specified the lease involved, the time period under review and the records requested;
3. The royalty owner notified the person obligated to pay royalties at the address printed on the information statement as prescribed by rules adopted by the industrial commission pursuant to section 38-08-06.3; and
4. The person obligated to pay royalties denied inspection of the records or failed to respond within thirty days of service of notice."

On page 1, line 20, delete the word "may" and insert in lieu thereof the word "shall"

On page 1, line 22, after the semicolon insert the word "reasonable"

On page 1, line 23, after the word "assignee" insert the words "or a designated representative"

And renumber the lines and pages accordingly

SEN. KRAUTER, Chairman

SB 2071 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred SB 2072 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, remove the overstrike over the word "who" and after the word "of" insert the words "holds record title to"

On page 1, line 11, remove the overstrike over the words "~~the surface of the land~~"

On page 1, delete line 12, and insert in lieu thereof the words "and any person who is in actual possession of the surface of the land as a lessee or tenant under a lease with the record title owner"

On page 1, line 13, delete the words "in the surface of the land"

On page 2, line 7, after the period insert the words "As used in this section, 'severance damages' means compensation for damage caused to a tract of land by drilling operations. Compensation for severance damages inures only to the surface owner and includes, but is not limited to, compensation for present and future economic loss, actual"

land lost, and access to land lost through drilling operations."

And renumber the lines accordingly

SEN. KRAUTER, Chairman

SB 2072 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2074 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the words "surface owner" and insert in lieu thereof the words "person who owns an interest in real property"

On page 1, line 16, after the second word "and" insert the word "a"

On page 1, line 17, delete the words "records have been kept and maintained" and insert in lieu thereof the words "test has been performed", delete the words "surface owner" and insert in lieu thereof the words "person who owns an interest in real property"

On page 1, line 18, delete the word "two" and insert in lieu thereof the word "five"

On page 1, line 19, delete the word "surface"

On page 1, line 20, delete the word "owner" and insert in lieu thereof the words "person who owns an interest in real property"

On page 2, line 6, delete the words "in that geographical"

On page 2, line 7, delete the word "location" and insert in lieu thereof the words "within the distance limits imposed by this section"

On page 2, line 8, delete the words "plaintiff owner's" and insert in lieu thereof the word "plaintiff's"

On page 2, line 9, after the period insert the words "An action brought under this section when not otherwise specifically provided by law must be brought within six years of the time the action has accrued. For purposes of this section, the claim for relief is deemed to have accrued at the time it is discovered or might have been discovered in the exercise of reasonable diligence."

And renumber the lines and pages accordingly

SEN. KRAUTER, Chairman

SB 2074 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2080 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, after line 16, insert the following sentence:
"Further, the designation cannot be made if the road is used as a schoolbus route, mail route, or as the only access to any residence."

On page 2, line 8, after the word "roads" insert the words:
"- Maintenance standards"

On page 2, line 15, after the period insert the following sentence: "In the case of a minimum maintenance road designated by a board of township supervisors, maintenance must be performed at least as often as necessary to qualify that road for funding under section 54-27-19.1."

And renumber the lines and pages accordingly

SEN. HILKEN, Chairman

SB 2080 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2170 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, remove the overstrike over the words "~~Not more than~~" and after the word "~~thirty-five~~" insert the word "seventy-five" and remove the overstrike over the words "~~dollars may be charged or collected~~"

On page 1, line 18, remove the overstrike over the words "~~for any and all inspections of any boiler in any one year except for~~"

On page 1, line 19, remove the overstrike over the words "~~special inspections made upon request.~~"

On page 1, line 25, remove the overstrike over the words "~~The bureau shall charge a~~" and delete the word "A" and remove the overstrike over the word "~~of~~" and after the word

"~~three~~" insert the word "ten" and remove the overstrike over the word "~~dollars~~"

On page 1, line 27, delete the words "must be charged in an amount"

On page 1, line 28, delete the words "determined by the bureau"

And renumber the lines and pages accordingly

SEN. LANGLEY, Chairman

SB 2170 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2239 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "to" insert the words "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fishing licenses; and to"

On page 1, line 7, delete the numerals "20.2-03-12" and insert in lieu thereof the numerals "20.1-03-12"

On page 1, line 12, overstrike the word "two" and immediately thereafter insert the word "four"

On page 1, line 13, after the word "short-term" insert the words "seven-day"

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

"SECTION 2. A new subsection to section 20.1-03-12 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a nonresident short-term three-day fishing license, eight dollars."

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER, Chairman

SB 2239 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2258 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 23, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

On page 2, line 2, delete the word "five" and insert in lieu thereof the word "three"

On page 2, line 7, remove the overstrike over the word "~~Special~~"

On page 2, line 8, remove the overstrike

On page 2, line 9, remove the overstrike over the words "~~fee of~~", after the word "~~two~~" insert the word "three", and remove the overstrike over the words "~~dollars, which special utility plate shall be used only~~"

On page 2, line 10, remove the overstrike

On page 2, line 11, remove the overstrike over the words "~~plate is issued within a radius of~~", after the word "~~twenty-five~~" insert the word "fifty", remove the overstrike over the word "~~miles~~", and after the numerals "~~40-23~~" insert the numerals "80.47"

On page 2, line 12, remove the overstrike

And renumber the lines and pages accordingly

SEN. HILKEN, Chairman

SB 2258 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2273 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and after the numerals "26.1-05-04" insert the words ", subsection 4 of section 26.1-12-08," and after the second word "and" insert the word "section"

On page 2, after line 19, insert the following new section:

"SECTION 3. AMENDMENT. Subsection 4 of section 26.1-12-08 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. It must maintain a surplus of at least five hundred thousand one million dollars, except if the minimum assets and surplus requirements for the company are more than the minimum

requirements provided by this subsection at the time the company was originally issued a license to do business, the company may maintain assets and surplus which satisfy the requirements in effect at that time."

And renumber the lines accordingly

SEN. LANGLEY, Chairman

SB 2273 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was rereferred SB 2275 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the words "or unpaid"

On page 1, line 14, after the word "associations," insert the words "full-time employees of political subdivisions,"

And renumber the lines accordingly

SEN. DOTZENROD, Chairman

SB 2275 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2295 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and after the second word "and" insert the words ", if House Bill No. 1044 of the fiftieth legislative assembly does not become effective, section"

On page 2, line 25, overstrike the word "and" and insert immediately thereafter an underscored comma, after the word "indexing" insert the words ", making, or completing", and after the word "statement" insert the words ", abstract, or certificate"

On page 2, line 26, overstrike the words "three dollars, and when a nonstandard"

On page 2, overstrike lines 27 through 30

On page 2, line 31, overstrike the words "and one dollar for each additional copy" and insert immediately thereafter the

words "the fee is the same as that provided in sections 41-09-42 and 41-09-43, as applicable"

On page 2, overstrike lines 32 through 35

On page 3, overstrike lines 1 and 2

On page 3, line 3, delete the word "Section" and insert in lieu thereof the words and numerals "If House Bill No. 1044 does not become effective, section"

And renumber the lines and pages accordingly

SEN. DOTZENROD, Chairman

SB 2295 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2042 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HEINRICH, Chairman

SB 2042 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2157 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2157 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2169 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2169 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2210 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HEINRICH, Chairman

SB 2210 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2255 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2255 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2260 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2260 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2261 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2261 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2284 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2284 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2373 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2373 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2374 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2374 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2443 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2443 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2479 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2479 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. TALLACKSON MOVED that the reports on the block grant hearings be included in the Senate Journal, which motion prevailed.

REPORTS

Community Services Block Grant Hearing

PRESIDENT PRO TEM REDLIN: On Monday, January 19, 1987, the Senate Appropriations Committee held a hearing on the community services block grant moneys anticipated by the Office of Management and Budget during the period beginning October 1, 1987, and ending September 30, 1989. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the block grant hearing, the Senate Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Office of Management and Budget includes the legislative action regarding the use of the federal block grant funds.

SEN. TALLACKSON, Chairman
Senate Appropriations Committee

Alcohol, Drug Abuse, and Mental Health Block Grant Hearing

PRESIDENT PRO TEM REDLIN: On Tuesday, January 20, 1987, the Senate Appropriations Committee held a hearing on the alcohol, drug abuse, and mental health block grant moneys and emergency substance abuse treatment and rehabilitation grant moneys anticipated by the Department of Human Services during the period beginning October 1, 1987, and ending September 30, 1989. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the hearing on these two grants, the Senate Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since

your approval or disapproval of the appropriation for the Department of Human Services includes the legislative action regarding the use of the federal block grant and emergency grant funds.

SEN. TALLACKSON, Chairman
Senate Appropriations Committee

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to SB 2088 as recommended by the Committee on Political Subdivisions as printed on pages 349-350 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2088 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2103 as recommended by the Committee on Finance and Taxation as printed on pages 330-332 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2103 was rereferred to the Committee on Appropriations.

SEN. HILKEN MOVED that the amendments to SB 2203 as recommended by the Committee on Transportation as printed on page 350 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2203 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2204 as recommended by the Committee on Natural Resources as printed on pages 350-351 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2204 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2296 as recommended by the Committee on Appropriations as printed on pages 351-353 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2296, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2296, the roll was called and there were 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Tweten

The motion to adopt the amendments to SB 2296 passed.

SB 2296 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HCR 3019

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed.

HCR 3019

PERRY GROTEBERG, Secretary

MOTION

SEN. LIPS MOVED that SB 2434 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

REQUEST

SEN. LIPS REQUESTED the unanimous consent of the Senate to withdraw SB 2434. There being no objection, it was so ordered by the President Pro Tem.

MOTIONS

SEN. TALLACKSON MOVED that SB 2272 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

SEN. TALLACKSON MOVED that SB 2272 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SEN. D. MEYER MOVED that SB 2253 be moved to the head of the calendar, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2253 be amended as follows:

On page 1, line 11, after the word "science" insert the words
"and the university of North Dakota"

And renumber the lines accordingly

SEN. STENEHJEM MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2253 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2253: A BILL for an Act to create and enact a new section to chapter 46-02 of the North Dakota Century Code, relating to in-plant printing.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2253 passed and the title was agreed to.

SB 2014: A BILL for an Act making an appropriation for defraying the expenses of the civil air patrol of the state of North Dakota.

Which has been read.

MOTION

SEN. STREIBEL MOVED that SB 2014 be further amended as follows:

PROPOSED AMENDMENTS TO SB 2014

On page 1, line 2, after the word "Dakota" insert the words "; and providing legislative intent regarding budget control during the 1987-89 biennium"

On page 1, after line 21, insert the following new section:

"SECTION 3. LEGISLATIVE INTENT BUDGET CONTROL - NINETY PERCENT LEVEL OF 1985-87 SPENDING. All state departments, agencies, and institutions shall take the necessary action to operate during the 1987-89 biennium within a ninety percent funding level of their 1985-87 appropriation levels."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Civil Air Patrol

The amendment adds a section stating it is the intent of the 1987 Legislative Assembly that state agencies and institutions shall not spend more for the 1987-89 biennium than 90 percent of the agencies or institutions 1985-87 biennium appropriation.

PROPOSED AMENDMENTS TO SB 2014

On page 1, line 2, after the word "Dakota" insert the words "; and providing legislative intent regarding budget control during the 1987-89 biennium"

On page 1, after line 21, insert the following new section:

"SECTION 3. LEGISLATIVE INTENT - BUDGET CONTROL. During the 1987-89 biennium all state departments, agencies, and institutions shall operate within the following budgetary controls:

Salaries and Wages

No department, agency, or institution shall hire an employee for any vacancy unless it is critical for the continued operation of the department, agency, or institution.

Wherever possible, shortages in support staff positions shall be accommodated by utilizing temporary or permanent transfers from programs of a lower priority within or outside a department, agency, or institution.

Equipment

Only equipment classified as a high priority may be purchased or replaced.

Maintenance

Only emergency maintenance may be conducted.

Travel

Travel shall be conducted only for the purpose of carrying out statutory and constitutionally mandated functions.

Publications

All nonpaid subscriptions, newsletters, magazines, and other publications, except those mandated by law, shall be eliminated.

New Programs

Where programs or services are otherwise available in the private sector, emphasis shall be made to eliminate such programs existing in any department, agency, or institution."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:Civil Air Patrol

The amendment adds a section of legislative intent which establishes budgetary controls for state agencies and institutions during the 1987-89 biennium.

MOTION

SEN. STREIBEL MOVED that the proposed amendments to SB 2014 be adopted.

REQUEST

SEN. STREIBEL REQUESTED that the amendments be divided into two divisions, and further requested a recorded roll call vote on each division.

MOTION

SEN. D. MEYER MOVED the previous question, which motion failed.

REQUEST

SEN. STREIBEL REQUESTED a recorded roll call vote on the motion to adopt the first set of proposed amendments to SB 2014, which are Division 1, which request was granted.

ROLL CALL

The question being on the motion to adopt Division 1 of the proposed amendments to SB 2014, the roll was called and there were 22 YEAS, 31 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

Division 1 of the proposed amendments to SB 2014 lost.

REQUEST

SEN. STREIBEL REQUESTED a recorded roll call vote on the motion to adopt the second set of proposed amendments to SB 2014, which are Division 2, which request was granted.

ROLL CALL

The question being on the motion to adopt Division 2 of the proposed amendments to SB 2014, the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

Division 2 of the proposed amendments to SB 2014 were adopted.

MOTIONS

SEN. STREIBEL MOVED that the rules be suspended, that SB 2014 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. MAIXNER MOVED that SB 2014, which is on the Eleventh order, be laid over one legislative day.

REQUEST

SEN. OLSON REQUESTED that there be a recorded roll call vote on the motion that SB 2014 be laid over one legislative day, which request was granted.

ROLL CALL

The question being on the motion that SB 2014 be laid over one legislative day, the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

The motion that SB 2014 be laid over one legislative day prevailed.

SB 2014 was laid over one legislative day.

SECOND READING OF SENATE BILLS

SB 2085: A BILL for an Act to provide mill levy authority for support of parks and recreational facilities.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 40 YEAS, 13 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Freborg; Hilken; Kelsh; Lashkowitz; Maixner; Maxson; Moore; Mutch; Nelson; Shea; Streibel; Vosper

ABSENT AND NOT VOTING: None

SB 2085 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the minimum number of copies of SB 2416 be reprinted, which motion prevailed.

SEN. MAIXNER MOVED that the Senate have a recorded roll call vote for the reprinting of SB 2416.

ROLL CALL

The question being on the motion to reprint the minimum number of copies of SB 2416, the roll was called and there were 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Tallackson; Tennefos; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Adams; Freborg; Heigaard; Meyer, W.; Stenehjelm; Stromme; Thane; Tweten

The motion to reprint SB 2416 prevailed.

MOTION

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Eleventh order of business, and at the conclusion of the Eleventh order of business, and after the reading of SB 2042, SB 2088, SB 2157, SB 2169, SB 2203, SB 2204, SB 2210, SB 2255, SB 2260, SB 2261, SB 2284, SB 2296, SB 2373, SB 2374, SB 2443, and SB 2479 that the Senate stand adjourned until 1:00 p.m., Tuesday, January 26, 1987, which motion prevailed.

FIRST READING OF SENATE BILLS

Sen. Waldera and Rep. Goetz introduced:

SB 2485: A BILL for an Act to amend and reenact section 18-12-03 of the North Dakota Century Code, relating to review of plans required to be submitted to the state fire marshal; and to repeal sections 18-12-05 and 23-13-02.7 of the North Dakota Century Code, relating to review of plans required to be submitted to the state fire marshal.

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

Sens. W. Meyer, D. Meyer introduced:

SB 2486: A BILL for an Act to amend and reenact section 36-05-10 of the North Dakota Century Code, relating to employment of veterinary inspectors.

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

Sen. Langley introduced:

SB 2487: A BILL for an Act to amend and reenact section 41-09-40 of the North Dakota Century Code, relating to place of filing of crop mortgages.

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

Sen. Richard introduced:

SB 2488: A BILL for an Act to create and enact a new subsection to section 15-02-05 of the North Dakota Century Code, relating to the powers and duties of the commissioner of university and school lands; and to amend and reenact sections 57-62-04 and 57-62-05 of the North Dakota Century Code, relating to the energy development impact office and the energy development impact director.

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

Sens. Hilken, Tallackson, Reiten and Reps. Martin, Kingsbury, O'Connell introduced:

SB 2489: A BILL for an Act to create and enact a new section to chapters 10-13 and 49-21 of the North Dakota Century Code, relating to immunity from civil liability of directors, trustees, officers, and managers of electric cooperative corporations and telephone cooperatives; and to amend and reenact subsection 10 of section 10-15-03 and subsection 1 of section 10-15-31 of the North Dakota Century Code, relating to indemnification and immunity from civil liability of directors, officers, agents, or managers of cooperative associations.

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

Sens. Stenehjem, Nalewaja and Reps. Cleveland, J. DeMers introduced:

SB 2490: A BILL for an Act to authorize court ordered mediation in certain contested child custody or visitation proceedings.

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

Sen. Freborg introduced:

SB 2491: A BILL for an Act to provide for imposition by counties of an excise tax on gravel taken out of the county.

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

Sen. Freborg introduced:

SB 2492: A BILL for an Act to amend and reenact sections 4-08-15 and 4-08-15.1 of the North Dakota Century Code, relating to county mill levy limitations for county agent work.

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

Sen. Olson and Rep. Rydell introduced:

SB 2493: A BILL for an Act to amend and reenact section 29-07-01.1 of the North Dakota Century Code, relating to recoupment of expenses for defense of indigent defendants.

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

Sens. Kelsh, Hilken, Langley, Wogsland, Wright introduced:

SB 2494: A BILL for an Act to enter into the interstate compact on agricultural grain marketing; and to provide an appropriation.

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

Sen. Olson introduced:

SB 2495: A BILL for an Act to amend and reenact section 47-19-14.1 of the North Dakota Century Code, relating to recognition of notarial acts.

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

Sens. Tallackson, Moore, Lips, Stromme, W. Meyer introduced:

SB 2496: A BILL for an Act to amend and reenact sections 57-61-01 and 57-62-02 of the North Dakota Century Code, relating to the rate of the coal severance tax and the allocation of moneys in the coal development fund; and to provide a contingent appropriation.

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

Sens. Stenehjem, Ingstad introduced:

SB 2497: A BILL for an Act to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to civil immunity for fire protection districts and district personnel; and to amend and reenact subsection 3 of section 32-12.1-03 of the North Dakota Century Code, relating to civil immunity for political subdivisions and subdivision employees.

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

Sen. Stenehjem introduced:

SB 2498: A BILL for an Act to create and enact a new section to chapter 12.1-30 of the North Dakota Century Code, relating to the conduct of business on certain Sundays; and to amend and reenact sections 12.1-30-02 and 12.1-30-03 of the North Dakota Century Code, relating to the conduct of business on certain Sundays.

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

Sen. Redlin introduced:

SB 2499: A BILL for an Act to amend and reenact subsection 30 of section 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on Sunday. Was read the first time and referred to the Committee on Political Subdivisions.

Sen. D. Meyer and Rep. Haugen introduced:

SB 2500: A BILL for an Act to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, subsection 8 of section 57-40.2-01, and section 57-40.2-03.2 of the North Dakota Century Code, and sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code as contained in sections 1 and 4 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to the rate of sales and use taxes, the imposition of sales and use taxes on certain designated services, and to the rate of use tax on alcoholic beverages; to repeal subsections 2, 4, 5, 7, 8, 9, 11, 12, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, and 36 of section 57-39.2-04, section 57-39.2-04.1, subsections 2, 6, 8, 9, 10, 11, 12, 13, 16, 17, 18, and 20 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to exemptions from sales and use taxes.

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

Sen. Satrom introduced:

SB 2501: A BILL for an Act to provide for rates and conditions of service for cogenerators and small power producers.

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

Sen. Mathern and Rep. Riehl introduced:

SB 2502: A BILL for an Act to provide immunity from civil liability to volunteers providing services for nonprofit charitable organizations; to amend and reenact subsection 14 of section 10-24-05 of the North Dakota Century Code, relating to indemnification of directors and officers of nonprofit corporations; and to provide for application of the Act.

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

Sens. Heinrich, Satrom, Holmberg and Reps. Christman, C. Nelson introduced:

SB 2503: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09, subsections 1 and 2 of section 15-39.1-10, and section 15-39.1-11 of the North Dakota Century Code, relating to assessment and contribution rates, payments of benefits, and vesting under the

teachers' fund for retirement; and to provide for application of this Act.

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

Sen. Waldera introduced:

SB 2504: A BILL for an Act to create and enact a new subsection to section 19-18-03 of the North Dakota Century Code, relating to the use of chlorophacinone to control bats.

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

Sens. Kelsh, Mushik, Holmberg and Reps. Opedahl, Rydell introduced:

SB 2505: A BILL for an Act authorizing the state treasurer to provide services to the North Dakota centennial commission to facilitate the centennial commission in successfully administering its various programs; to provide an expiration date; and to declare an emergency.

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

Sens. Peterson, Kelly introduced:

SB 2506: A BILL for an Act to amend and reenact subsections 1, 2, 3, and 4 of section 15-40.1-07 and subsections 2, 3, 5, and 7 of section 15-40.1-08 of the North Dakota Century Code, relating to the weighting factors used to determine foundation aid payments made to schools; and to provide for the distribution of excess funds.

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

Sens. Heigaard, Olson, Richard and Reps. Strinden, Mertens, A. Olson introduced:

SB 2507: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to wetlands; and to repeal section 61-16.1-52 of the North Dakota Century Code and section 61-16.1-41 of the North Dakota Century Code, as amended by section 5 of chapter 665 of the 1985 Session Laws, relating to drainage permits and closing drains.

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

Sen. Mutch introduced:

SB 2508: A BILL for an Act to create and enact a new subsection to section 26.1-18-12 of the North Dakota Century Code, relating to required provisions in evidences of coverage under a health maintenance organization health care plan.

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

Sen. Mutch introduced:

SB 2509: A BILL for an Act to create and enact three new sections to chapter 15-34.1 of the North Dakota Century

Code, relating to requirements of Christian elementary and secondary schools, the definition of equivalent instruction in Christian schools, and requiring parents to certify that their children are attending Christian schools meeting certain requirements; and to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to a Christian school exception to the compulsory school attendance statute.

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

Sens. Heinrich, Thane, Stenehjem and Reps. Myrdal, J. DeMers introduced:

SB 2510: A BILL for an Act to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-03 of the North Dakota Century Code, relating to the rights of residents of health care facilities.

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

Sens. Dotzenrod, Nelson and Reps. Shockman, Nowatzki introduced:
SB 2511: A BILL for an Act to provide for production standards for organic goods.

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

Sen. Peterson and Rep. Payne introduced:

SB 2512: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to the maximum state transportation aid payments that may be made to schools; and to provide for the distribution of excess funds.

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

Sen. Satrom introduced:

SB 2513: A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the definition of "average price," "extension well," and "wildcat well" for purposes of the oil extraction tax, the rate of the oil extraction tax, and an exemption from the oil extraction tax for oil produced from extension or wildcat wells; and to provide an effective date.

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

Sen. Vosper and Reps. A. Olson, Myrdal introduced:

SB 2514: A BILL for an Act to create and enact a new subsection to section 58-06-01 of the North Dakota Century Code, relating to township budgets; and to amend and reenact sections 57-15-19, 58-02-25, 58-04-01, subsections 9 and 16 of section 58-06-01, sections 58-06-03, 58-08-04, 58-11-02, 58-11-03, and 58-12-01 of the North Dakota Century Code, relating to township meetings and the duties of township officers.

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

Sens. Maxson, Waldera and Reps. Oban, Shaft, Stofferahn introduced:

SB 2515: A BILL for an Act to create and enact a new section to chapter 10-24 of the North Dakota Century Code, relating to competitive bidding requirements for nonprofit corporations.

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

Sens. Waldera, Wogsland, Ingstad and Reps. Haugen, Moore introduced:

SB 2516: A BILL for an Act to provide for a small business revolving loan fund; to repeal section 6-09-15.4 of the North Dakota Century Code, relating to loans to businessmen; and to provide an appropriation.

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

Sens. Tweten, Tallackson and Reps. Almlie, Dalrymple introduced:

SB 2517: A BILL for an Act to provide for deposit of a portion of city sales taxes collected by the state tax commissioner in the basic education enhancement fund and to provide for use of the revenues in the fund to enhance educational opportunities for North Dakota citizens through increased access to electronic technology and other means; to provide a continuing appropriation; and to declare an emergency.

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

Sens. Freborg, Bakewell, Tallackson and Reps. Kretschmar, Knell introduced:

SB 2518: A BILL for an Act to repeal section 46-06-07 of the North Dakota Century Code, relating to the bond required for the official county newspaper.

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

Sen. Ingstad introduced:

SB 2519: A BILL for an Act to amend and reenact sections 61-31-01, 61-31-02, subsection 4 of section 61-31-05, and sections 61-31-08 and 61-31-10 of the North Dakota Century Code, relating to the waterbank program.

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

Sen. Moore introduced:

SB 2520: A BILL for an Act to amend and reenact subsection 6 of section 15-27.2-04 of the North Dakota Century Code, relating to credit for residents of annexed school districts that have surplus funds prior to the annexation.

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

Sen. Schoenwald introduced:

SB 2521: A BILL for an Act to amend and reenact section 51-15-02 of the North Dakota Century Code, relating to the unlawful consumer fraud practice of operating an unlawful referral selling or pyramid scheme.

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

Sens. Lodoen, Nalewaja, Freborg and Reps. Larson, Koland, Gates introduced:

SB 2522: A BILL for an Act to provide that all electors must be registered prior to being authorized to vote in any statewide special, primary, or general election, supervision of the registration process by the secretary of state with registration to be conducted by county auditors, and the method of registration; and to amend and reenact subsection 2 of section 16.1-01-01, section 16.1-05-02, subsection 3 of section 16.1-05-04, sections 16.1-05-06, 16.1-06-16, 16.1-06-21, 16.1-07-12, 16.1-11-31, 16.1-11-32, 16.1-15-02, 16.1-15-06, 16.1-15-08, and 16.1-15-11 of the North Dakota Century Code, relating to elector registers; and to provide a penalty.

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

Committee on Appropriations introduced:

SB 2523: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota; to provide for transfers; to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to fire safety inspections performed by the fire marshal at the request of the department of human services; and to amend and reenact section 49-18-41.1 of the North Dakota Century Code, relating to fees charged by the public service commission.

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

Sens. Stromme, Bakewell, Shea and Reps. Kretschmar, Kelly introduced:

SB 2524: A BILL for an Act to create and enact chapter 53-06.2 of the North Dakota Century Code, relating to a state lottery, the establishment of a state lottery commission, the authority of that commission, and sources and distribution of revenue from the lottery; to provide a penalty; and to provide a contingent effective date.

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

Sens. Stromme, W. Meyer and Rep. Mertens introduced:

SB 2525: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of the phrase "agricultural property" for property tax assessment purposes; and to provide an effective date.

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

Sen. Yockim and Rep. Haugen introduced:

SB 2526: A BILL for an Act to create and enact a new subsection to section 23-24-01 of the North Dakota Century Code, relating to the definition of potential or emergency health hazards; and to amend and reenact subsection 4 of section 23-24-01, sections 23-24-03 and 23-24-05, subsection 1 of section 23-24-08, and section 57-15-26.2 of the North Dakota Century Code, relating to the definition of public health vectors, the expansion of vector control districts, boards of commissioners of vector control districts, and mill levies.

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

Sen. Maxson introduced:

SB 2527: A BILL for an Act to amend and reenact sections 29-04-02, 29-04-03, and 29-04-03.1 of the North Dakota Century Code, relating to prosecution of certain sexual offenses if the victim is under eighteen years of age.

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

Sen. Moore introduced:

SB 2528: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemption of farm structures; and to provide an effective date.

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

Sen. Moore introduced:

SB 2529: A BILL for an Act to amend and reenact sections 15-40.1-07, 15-40.1-08, and 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid formula twenty-mill equalization factor; and to repeal subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the foundation aid formula twenty-mill equalization factor.

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

Sen. Naaden introduced:

SB 2530: A BILL for an Act to amend and reenact section 39-06-17 of the North Dakota Century Code, relating to the issuance of a restricted motor vehicle operator license to a minor at least fifteen but less than sixteen years of age.

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

Sen. Redlin introduced:

SB 2531: A BILL for an Act to provide for a county option motor vehicle fuel and special fuel tax and to provide for allocation of revenue from the tax to counties and cities;

and to amend and reenact section 57-01-02.1 of the North Dakota Century Code, relating to tax collection agreements with the tax commissioner.

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

Sen. D. Meyer introduced:

SB 2532: A BILL for an Act to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

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

Sens. Tallackson, Vosper and Reps. Kingsbury, Myrdal, Nowatzki introduced:

SB 2533: A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to required disclosure of certain contents of gasoline.

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

Sens. David, Dotzenrod introduced:

SB 2534: A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices of public meetings.

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

Sens. Ingstad, Stenehjelm and Reps. Shaft, Gates introduced:

SB 2535: A BILL for an Act to establish a health care data committee as a standing committee of the state health council for the collection, analysis, and public distribution of information regarding the costs and prices charged for health care services in North Dakota, to ensure that health care purchases by state agencies are made in a more cost effective manner, and to provide for the collection of fees; and to provide a penalty.

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

Sen. Tallackson introduced:

SB 2536: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to the apportionment of reductions in spending authority resulting from an initiative or referendum; and to declare an emergency.

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

Sens. Heigaard, Nalewaja and Reps. Mertens, Wentz, Gates introduced:

SB 2537: A BILL for an Act to provide for the establishment of the department of protection and advocacy for persons with developmental disabilities and persons with mental illness, its duties and responsibilities; and to provide a penalty. Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sen. Nelson introduced:

SB 2538: A BILL for an Act to establish a game and fish commission; to create and enact a new subsection to section 20.1-01-02 of the North Dakota Century Code, relating to the definition of commission; to amend and reenact sections 20.1-01-20, 20.1-02-01, subsection 3 of section 20.1-02-04, subsections 7 and 9 of section 20.1-02-05, sections 20.1-02-07, 20.1-03-07.1, subsections 2, 4, and 5 of section 20.1-03-11, sections 20.1-04-06, 20.1-04-07, subsection 2 of section 20.1-04-11, sections 20.1-06-03, 20.1-06-06, subsection 2 of section 20.1-06-07, 20.1-06-08, 20.1-06-12, subsection 1 of section 20.1-07-03.1, sections 20.1-07-05, 20.1-08-01, 20.1-08-02, 20.1-08-03, 20.1-08-04, 20.1-08-04.1, 20.1-08-04.2, 20.1-08-04.3, 20.1-08-04.4, 20.1-08-05, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the powers and duties of the governor; to repeal sections 20.1-02-23, 20.1-02-24, and 20.1-02-25 of the North Dakota Century Code, relating to the game and fish advisory board; and to provide an effective date.

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

Sen. Reiten and Reps. Aas, Tollefson introduced:

SB 2539: A BILL for an Act to create and enact a new section to chapter 49-09 of the North Dakota Century Code, relating to abandonment of railroad rights of way; and to amend and reenact section 49-09-11.7, relating to the rulemaking authority of the public service commission.

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

Sen. Tweten and Reps. Dalrymple, Kent, Almlie introduced:

SB 2540: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to maintenance assessments for federally constructed projects.

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

Sens. Tennefos, Redlin and Reps. A. Williams, Wentz introduced:

SB 2541: A BILL for an Act to amend and reenact section 53-06.1-07.1 of the North Dakota Century Code, relating to age limitation for participation in certain games of chance.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Olson introduced:

SCR 4022: A concurrent resolution directing the Legislative Council to study criminal sentencing statutes in misdemeanor and felony cases.

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

Sen. Holmberg and Rep. Shaft introduced:

SCR 4023: A concurrent resolution directing the Legislative Council to study property tax credits allowed by law for persons 65 years of age or older with limited income.

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

Sens. Holmberg, Heigaard, Olson and Reps. Strinden, Mertens, Shaft introduced:

SCR 4024: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the effective date of appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Sens. Stromme, Bakewell, Shea and Reps. Kretschmar, Kelly introduced:

SCR 4025: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of the State of North Dakota, relating to the conduct of a lottery.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Sen. Maixner and Rep. Rydell introduced:

SCR 4026: A concurrent resolution directing the Legislative Council to study the state's role in the establishment and maintenance of programs for assistance to victims of and witnesses to crime.

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

Sen. Maxson introduced:

SCR 4027: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and section 12 of article IX of the Constitution of the State of North Dakota, relating to institutions of higher education and removing references to the institution located in Mayville; to provide for the closing of the institution of higher education in Mayville; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Sens. Vosper, Olson and Reps. Myrdal, A. Olson introduced:

SCR 4028: A concurrent resolution recognizing the achievements of Dr. Lawrence E. Scheving in the field of chronobiology

and urging the Governor to award Dr. Scheving the Theodore Roosevelt Rough Rider Award.

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

FIRST READING OF HOUSE BILLS

HB 1084: A BILL for an Act to amend and reenact subsection 2 of section 28-26-01 of the North Dakota Century Code, relating to the mandatory awarding of costs in frivolous civil actions.

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

HB 1099: A BILL for an Act to create and enact a new section to chapter 23-20.1 of the North Dakota Century Code, relating to confidentiality of information regarding ionizing radiation.

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

HB 1145: A BILL for an Act to create and enact a new section to chapter 15-39.1, a new section to chapter 39-03.1, a new section to chapter 54-52, and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to confidentiality of certain retirement and medical records.

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

HB 1155: A BILL for an Act to repeal sections 54-52-02.4, 54-52-02.7, and 54-52-02.8 of the North Dakota Century Code, relating to the purchase of retirement service credit by former employees of mental health and retardation centers and special employee refund of accounts.

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

HB 1208: A BILL for an Act to create and enact a new subsection to section 43-12.1-02 of the North Dakota Century Code, relating to definition of the word "licensee"; to amend and reenact sections 43-12.1-11, 43-12.1-12, and 43-12.1-14 of the North Dakota Century Code, relating to when a nursing license is issued, the qualifications for obtaining a nursing license by endorsement and the imposition of fines, costs, and disbursements for respondents in disciplinary proceedings before the board of nursing; and to provide a penalty.

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

HB 1220: A BILL for an Act to amend and reenact section 31-01-09 of the North Dakota Century Code, relating to the privilege against self-incrimination and grant of immunity.

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

HB 1221: A BILL for an Act to amend and reenact section 12.1-20-01 of the North Dakota Century Code, relating to

the "marital rape" defense for all sexual assaults and the ninety-day statute of limitations for both adult and minor victims.

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

HB 1236: A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to investment costs; to amend and reenact sections 21-10-03, 21-10-06, and 21-10-10 of the North Dakota Century Code, relating to secretary of the state investment board, separate accounts, and cost of operation of the state investment board; to provide an effective date; and to provide an expiration date.

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

HB 1271: A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to reporting requirements for contributions for initiative and referral campaigns; and to amend and reenact sections 16.1-08.1-01 and 16.1-08.1-04 of the North Dakota Century Code, relating to campaign contribution statements.

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

HB 1275: A BILL for an Act to amend and reenact section 15-27.3-19 of the North Dakota Century Code, relating to changes in approved school district reorganization proposals.

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

HB 1276: A BILL for an Act to amend and reenact section 15-28-02 of the North Dakota Century Code, relating to the election of rural members to school boards.

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

The Senate stood adjourned pursuant to Senator Maixner's motion.

PERRY GROTEBERG, Secretary