

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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TWENTY-FIFTH DAY

Bismarck, February 9, 1987

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

The prayer was offered by Reverend Richard Smith, St. Peters Lutheran Church, Minnewauken.

In the Name of the Father and of the Son and of the Holy Spirit, Amen. The Lord is with You and also with me. Let us pray.

Lord Jesus Christ, You came into the world to take upon Yourself the suffering of our humanity. You bore a cross and there You died, and then on the third day You rose victoriously to give us the hope of victory beyond this human suffering and the fullness that our humanity was intended to be. We ask that we who have been united with You in Your death and in Your resurrection in our baptisms may find that reality be strengthened and encouraged to walk the difficult calling that has been placed upon us. Remind us anew that in our calling greatness is not measured by how much wealth or how much power we may achieve but that greatness is measured in terms of our humility and our capacity not to be served but to serve. Use our present economic crisis in this great state to teach us once again what our priorities are to be - that the most important thing to the fulfillment of life is found in identifying our brother in his suffering and to walk hand in hand with him; that it is in seeking out and finding the least in our state and showing care and love for them that in truth we find You; that as You said to Your chosen twelve in Your earthly ministry so many years ago, "Inasmuch as you have done it unto the least of these, my brethren, you have done it unto Me." Use us as agents of Your love, that in the midst of our present crisis and despair, we in this chamber may be able to set aside our petty differences and pull together for the common good; that our love for each other shown here may radiate beyond the walls of this Capitol to the wide reaches of our great state; that we may serve as examples to our citizenry that they may too relearn that most important lesson of setting aside our petty differences in the midst of this great crisis and learn to pull together, to put out their hands and clasp the hand of their neighbor, to see that what we have together is far more important than what we hold in contrast to each other; that the love shown here may become

the catalyst for love throughout our state; that we may hand in hand walk toward a greater tomorrow until that great day comes again and the shadows all flee away. In You and to Your dear Name even Jesus Christ Our Lord, You who live and reign with the Father and the Holy Spirit, One God now and forever, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Ingstad and Tennefos.

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 Twenty-fourth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 604, delete lines 31 through 41

On page 605, delete lines 1 through 11

On page 611, delete lines 27 through 36

SEN. J. MEYER, Chairman

SEN. NALEWAJA 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 1122, HB 1207, HB 1297, HB 1399, HB 1463, HB 1488,
HB 1510, HB 1513, HB 1514, HB 1521, HB 1522, HB 1525,
HB 1531, HB 1540, HB 1546, HB 1561, HB 1604

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:

HB 1058

ROY GILBREATH, Chief Clerk

MESSAGES 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 2047, SB 2105, SB 2207, SB 2215, SB 2263, SB 2267,
SB 2306, SB 2354, SB 2370, SB 2381, SB 2415, SB 2416
PERRY GROTEBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3039, HCR 3040, HCR 3041, HCR 3042, HCR 3043
PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

SB 2296, SB 2479, SCR 4024
PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SB 2296, SB 2479, SCR 4024
PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Education to which was rereferred SB 2002 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 and be rereferred to the Committee on Appropriations:

- On page 1, line 25, delete the numerals "361,621,126" and insert in lieu thereof the numerals "365,035,570"
- On page 2, line 1, delete the numerals "1,491,000" and insert in lieu thereof the numerals "1,508,000"
- On page 2, line 8, delete the numerals "500,427,920" and insert in lieu thereof the numerals "503,859,364"
- On page 2, line 10, delete the numerals "391,216,946" and insert in lieu thereof the numerals "394,648,390"
- On page 3, line 26, remove the overstrike over the word "~~twenty-five~~" and delete the word "thirteen"
- On page 3, line 29, delete the word "forty" and insert in lieu thereof the word "fifty-five"

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

SB 2002 was placed on the Sixth order of business for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2040 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5, line 16, remove the overstrike over the word "~~The municipal judge's~~"

On page 5, line 17, remove the overstrike over the words "~~salary shall not be reduced during his term of office.~~"

On page 6, line 23, delete the words "resolution or"

On page 6, line 31, delete the word "sixty-five" and insert in lieu thereof the word "fifty"

On page 6, line 32, delete the word "thirty-five" and insert in lieu thereof the word "fifty"

On page 7, line 31, after the word "trial" insert the words "in writing pursuant to rules of the supreme court,"

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

SB 2040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2063 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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 words "create and enact a new section to chapter"

On page 1, delete line 2

On page 1, line 3, delete the words "charitable gambling enforcement fund; and to"

On page 1, line 4, delete the words "subsection 3 of section 53-06.1-11, and"

On page 1, delete lines 9 through 28

- On page 2, line 4, remove the overstrike over the words "based", "adjusted", and "as"
- On page 2, remove the overstrike over lines 5 through 11
- On page 2, line 12, remove the overstrike over the words "proceeds and" and delete the words "is imposed on gross proceeds received under this"
- On page 2, delete line 13
- On page 2, line 14, delete the words "attorney general. The tax is"
- On page 2, line 15, remove the overstrike over the words "hereby" and "upon every"
- On page 2, remove the overstrike over lines 16 and 17
- On page 2, line 18, remove the overstrike over the words "organisation as provided in this section, computed"
- On page 2, line 20, remove the overstrike over the words "adjusted" and "six hundred"
- On page 2, line 21, remove the overstrike over the word "thousand" and delete the words "three million"
- On page 2, line 22, delete the word "one" and insert in lieu thereof the word "ten"
- On page 2, line 23, remove the overstrike over the words "adjusted" and "six hundred"
- On page 2, line 24, remove the overstrike over the word "thousand" and delete the words "three million"
- On page 2, line 25, delete the word "four" and insert in lieu thereof the word "thirty"
- On page 3, line 6, remove the overstrike over the words "shall be paid by the licensing authority"
- On page 3, line 7, remove the overstrike over the word "general" and delete the words "charitable gambling"
- On page 3, line 8, delete the word "enforcement"
- On page 3, after line 11, insert the following paragraph:

"Any city or county receiving in excess of one thousand dollars annually under this section must report annually to the attorney general on a form designated by the attorney general. The report must specify how the

money is being or was expended in the enforcement of this chapter. Failure to report as required or to properly expend the money for enforcement of this chapter, as determined by the attorney general, will result in that entity's funds being retained and utilized in the general fund. Those funds and any future amounts must be utilized for gaming enforcement purposes by the attorney general until the city or county files an acceptable report or expenditure plan for the use of those funds expected from their apportionment. Cities or counties may not supplant existing funding for law enforcement agencies with apportionments from this tax."

On page 3, delete lines 12 through 19

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

SB 2063 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 2097 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 2, after the numerals "26.1-04-03" insert the words and numerals ", a new subsection to section 26.1-33-05, and a new subdivision to subsection 1 of section 26.1-36-04"

On page 1, line 3, after the word "practices" insert the words "and required insurance premium refunds"

On page 1, line 12, after the period insert the following sentence: "However, for commercial lines of insurance policies which are audited by the insurer to determine premium, the refund of premium must be made within thirty days from the date the insurer receives from the insured that information which is reasonably necessary for the insurer to audit the insured's business to determine the premium due to the insurer."

On page 1, after line 12, insert the following new sections:

"SECTION 2. A new subsection to section 26.1-33-05 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A provision that in the event of the death of an insured, the insurer will refund within thirty days after notice to the insurer of the insured's death the proportion of the premium, fee, or

other sum as corresponds with the unexpired time upon the amount of policy remaining.

SECTION 3. A new subdivision to subsection 1 of section 26.1-36-04 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A provision that in the event of the death of an insured, the insurer will refund within thirty days after notice to the insurer of the insured's death that proportion of the premium, fees, or other sum as corresponds with the unexpired time upon the amount of the policy remaining after deducting any claim for losses during the current term of the policy."

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

SB 2097 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2175 has had the same under consideration and recommends by a vote of 6 YEAS, 0 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, line 27, delete the words "or the offender's"

On page 1, line 28, delete the words "certificate of registration, permit, or license" and overstrike the word "on"

On page 2, line 1, overstrike the word "probation" and insert immediately thereafter the words "or the offender's certificate of registration, permit, or license under suspension"

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

SB 2175 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2176 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 32, after the underscored comma insert the words "subject to approval of the director of the state laboratories department, and chapter 19-03.1 subject to approval of the controlled substances board"

On page 2, delete line 33

On page 2, line 34, delete the word "board"

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

SB 2176 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2181 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 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, after the underscored comma insert the word "committee"

On page 1, line 15, after the second underscored comma insert the word "committee."

On page 1, line 18, after the underscored comma insert the word "committee."

On page 2, line 5, after the period insert the following sentence: "General fund moneys may not be utilized for the payment of legal services except for those payments required of the department of human services, state department of health, and the state hospital."

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

SB 2181 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 2183 has had the same under consideration and recommends by a vote of 6 YEAS, 0 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, line 1, after the word "Act" insert the words "to create and enact five new sections to chapter 38-08 of the North Dakota Century Code, relating to the powers, rights, and liabilities of the industrial commission in plugging or replugging abandoned wells and the reclamation of well sites;" and delete the word "section" and insert in lieu

thereof the word "sections" and after the numerals "38-08-04.4" insert the word and numerals "and 38-08-04.5"

On page 1, line 4, after the word "reclamation" insert the words "and the establishment of an abandoned oil and gas well plugging and site reclamation fund; and to provide an appropriation"

On page 1, line 13, after the first word "gas" insert the words "or injection" and after the second word "gas" insert the words "or injection"

On page 1, line 16, after the word "found" insert the words "has no assets with which to properly plug or replug the well or reclaim the well site,"

On page 2, after line 17, insert the following new sections:

"SECTION 2. AMENDMENT. Section 38-08-04.5 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-04.5. Abandoned oil and gas well plugging and site reclamation fund. There is hereby created an abandoned oil and gas well plugging and site ~~restoration~~ reclamation fund.

1. Revenue to the fund shall include:

- a. Fees collected by the oil and gas division of the industrial commission for permits or other services.
- b. Moneys received from the forfeiture of drilling and reclamation bonds.
- c. Moneys received from any federal agency for the purpose of this section.
- d. Moneys donated to the commission for the purposes of this section.
- e. Moneys received from the state's oil and gas impact fund.
- f. Moneys recovered under the provisions of section 5 of this Act.
- g. Moneys recovered from the sale of equipment confiscated under the provisions of section 6 of this Act.
- h. Such other moneys as may be deposited in the fund for use in carrying out the purposes of

plugging or replugging of wells or the restoration of well sites.

2. Moneys in the fund may be used for the following purposes:
 - a. Contracting for the plugging of abandoned wells.
 - b. Contracting for the reclamation of abandoned drilling and production sites, saltwater disposal pits, drilling fluid pits, and access roads.
3. Whenever All moneys collected under this section shall be deposited in the abandoned oil and gas well plugging and site reclamation fund. This fund must be maintained as a special fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of defraying the costs incurred in carrying out the plugging or replugging of wells, the reclamation of well sites, and all other related activities. However, when the money accumulated in the fund exceeds fifty thousand dollars, any additional fees collected by the oil and gas division of the industrial commission shall must be deposited in the general fund.

SECTION 3. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Right of entry. The commission, its agents, employees, or contractors shall have the right to enter any land for the purpose of plugging or replugging a well or the restoration of a well site as provided in section 38-08-04.4.

SECTION 4. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Liability for damages. The commission, its agents, employees, or contractors shall not be liable for any damage that may occur as a result of acts done or omitted to be done by them or each of them in a good-faith effort to carry out the provisions of this Act. This section does not prohibit a contractor from being held liable for all damages to person or property, real or personal, resulting from the lack of ordinary care by the contractor in carrying out the provisions of this Act.

SECTION 5. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Recovery for costs of plugging. If the commission, its agents, employees, or contractors plugs or replugs a well or reclaims a well site under the provisions of this Act, the state has a cause of action for all reasonable expenses incurred in the plugging, replugging, or reclamation against the operator of the well at the time the well is required to be plugged and abandoned or any or all persons who own a working interest in the well at the time the well is required to be plugged and abandoned as a result of the ownership of a lease or mineral interest in the property on which the well is located. The term "working interest owner" does not mean a royalty owner or an overriding royalty interest owner. The commission shall seek reimbursement for all reasonable expenses incurred in plugging any well or reclaiming any well site through an action instituted by the attorney general. Any money collected in a suit under this section shall be deposited in the state abandoned oil and gas well plugging and site reclamation fund. Any suit brought by the commission for reimbursement under this section may be brought in the district court for Burleigh County, the county in which the plugged well or reclaimed well site is located, or the county in which any defendant resides.

SECTION 6. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Confiscation of equipment to cover plugging costs. If the commission, its agents, employees, or contractors plugs, replugs a well, or restores a well site pursuant to this Act, the commission, its agents, employees, or contractors may confiscate any production-related equipment at the abandoned well site for the purpose of wholly or partially compensating the state for the cost of plugging or replugging or site restoration.

SECTION 7. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Penalties and other relief. The plugging or replugging of a well or reclamation of a well site by the commission, its agents, employees, or contractors, shall not prevent the commission from seeking penalties or other relief provided by law from any person who is required by statutes, rules, or order of the commission to plug or replug a well or reclaim the surface."

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

SB 2183 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 2190 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 4, line 11, delete the words "district manager of job service from the region" and insert in lieu thereof the words "chairman of the regional employment training council"

On page 4, delete lines 13 and 14

On page 4, line 15, delete the letter "g" and insert in lieu thereof the letter "g"

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

SB 2190 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 2299 has had the same under consideration and recommends by a vote of 7 YEAS, 0 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, line 25, after the word "must" insert the words ", upon request of the motor vehicle department,"

On page 2, line 5, after the word "must" insert the words ", upon request of the motor vehicle department,"

On page 2, line 9, after the period insert the following sentence: "Every licensed vehicle dealer, at the time of sale of a motor vehicle, must complete that portion of a motor vehicle purchase certificate relating to the full purchase price of the vehicle and any allowance for a trade-in."

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

SB 2299 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 2301 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 2, delete the word "water"

On page 1, line 8, delete the words "water and sewer"

On page 1, line 11, delete the words "waterworks or sewerworks" and insert in lieu thereof the words "municipal utility"

On page 1, line 13, delete the words "waterworks or sewerworks" and insert in lieu thereof the word "utility"

On page 1, line 15, delete the words "waterworks or" and insert in lieu thereof the word "utility"

On page 1, line 16, delete the word "sewerworks"

On page 1, line 17, after the first comma insert the word "electricity,"

On page 1, line 23, after the word "served" insert the words "upon sixty days' written notice to the owner, occupant, vendor, or landlord of the delinquent rates and charges"

On page 1, line 25, after the period insert the following sentence: "As used in this section, "municipal utility system" includes waterworks, sewerworks, and municipal electric utility systems."

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

SB 2301 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 2304 has had the same under consideration and recommends by a vote of 4 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, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to damages awarded by a court for a diminution in quantity or quality of a water supply; and to amend and reenact section 38-11.1-06 of the North Dakota Century Code, relating to the protection of water wells and surface and ground water sources from damage caused by oil and gas exploration."

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

SECTION 1. AMENDMENT. Section 38-11.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-11.1-06. Protection of surface and ground water - Other responsibilities of mineral developer. If the domestic, livestock, or irrigation water supply of any person who owns an interest in real property within one-half mile [804.67 meters] of where geophysical or seismograph activities are or have been conducted or within one mile [1.61 kilometers] of an oil or gas well site has been disrupted, or diminished in quality or quantity by the drilling operations and certified water quality and a quantity test has been performed by the person who owns an interest in real property within the five years preceding the commencement of drilling operations, the mineral developer shall, at no cost to the person who owns an interest in real property, make such repairs, alterations, or construction as will ensure the delivery to the surface owner of that quality and quantity of water available to such surface owner prior to the commencement of drilling operations. Any person who owns an interest in real property who obtains all or a part of that person's water supply for domestic, agricultural, industrial, or other beneficial use from an underground source has a claim for relief against a mineral developer to recover damages for disruption or diminution in quality or quantity of that person's water supply proximately caused from drilling operations conducted by the mineral developer. Prima facie evidence of injury under this section is established by a showing that the mineral developer's drilling operations penetrated or disrupted an aquifer, and if an aquifer has been penetrated or disrupted in such a manner as to cause a diminution in water quality or quantity within the distance limits imposed by this section, the burden of proof shifts to the defendant mineral developer to show that the plaintiff's water supply was not injured by the mineral developer's drilling operations. 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.

A tract of land is not bound to receive water contaminated by drilling operations on another tract of land, and the owner of a tract has a claim for relief against a mineral developer to recover the damages proximately resulting from natural drainage of waters contaminated by drilling operations.

~~The mineral developer shall be is also responsible for all damages to person or property, real or personal, resulting from the lack of ordinary care by the mineral developer. The mineral developer shall also be responsible for all damages to person or property, real or personal, or resulting from a nuisance caused by drilling operations.~~

SECTION 2. A new section to chapter 61-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

If a court of competent jurisdiction determines that a water supply has been illegally diminished in quantity or quality and that a valid water right to use that supply has been damaged as a result of the diminishment, damages awarded to the owner of the water right shall be an amount to cover the cost of replacing the damaged water supply."

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

SB 2304 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 2327 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, line 27, delete the numerals "\$100" and insert in lieu thereof the numerals "\$45", remove the overstrike over the characters "\$3/", and delete the characters "\$4/"

On page 2, line 1, delete the numerals "\$150" and insert in lieu thereof the numerals "\$60"

On page 2, line 3, delete the numerals "\$200" and insert in lieu thereof the numerals "\$100"

On page 2, line 5, delete the numerals "\$250" and insert in lieu thereof the numerals "\$140"

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

SB 2327 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 2328 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, line 21, delete the word "ten" and insert in lieu thereof the word "five"

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

SB 2328 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 2331 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 NOT PASS:

On page 1, line 13, after the word "for" insert the word "vacant"

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

SB 2331 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2336 has had the same under consideration and recommends by a vote of 6 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 2, line 5, after the period insert the words "The department shall involve other agencies and associations in the development of the demonstration program."

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

SB 2336 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 2346 has had the same under consideration and recommends by a vote of 3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 31, after the word "and" insert the words "except for any person who owns record title to the surface of the land and owns the mineral interest for the same land,"

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

SB 2346 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2360 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 14, delete the word "thirty" and insert in lieu thereof the word "twenty"

On page 1, line 16, delete the word "twenty" and insert in lieu thereof the word "fifteen"

On page 2, line 8, delete the word "fifty" and insert in lieu thereof the word "thirty-five"

On page 3, line 16, after the period insert the words "One of the three members of the North Dakota agricultural association must be a farmer who produces agricultural products and who is not a distributor of commercial fertilizer, soil amendments, or auxiliary soil and plant substances."

On page 5, line 16, delete the numerals "400,000" and insert in lieu thereof the numerals "275,000"

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

SB 2360 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 2368 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 4, after the word "driver" insert the words "in any manner other than in publication or broadcast of a news story"

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

SB 2368 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 2409 has had the same under consideration and recommends by a vote of 3 YEAS, 2 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 13, delete the words "shall show clear" and insert in lieu thereof the words "must agree to warrant and defend"

On page 1, line 14, delete the word "record", delete the word "relevant", delete the word "before", delete the word "allowed" and insert in lieu thereof the words "offered for lease before being allowed"

On page 1, line 15, delete the words "at a public offering" and insert in lieu thereof the words "for sale"

On page 1, line 17, after the word "pay" insert the words "prior to sale"

On page 1, line 18, after the period insert the following language:

"Nothing in this Act shall be construed or interpreted to impose any liability or obligation upon the state or any of its departments, agencies, agents, or employees by reason of any acts or omissions done under this Act."

And renumber the lines, sections and pages accordingly

SEN. KRAUTER, Chairman

SB 2409 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2433 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 13, delete the words "continued or"

And renumber the lines, sections, and pages accordingly

SEN. W. MEYER, Chairman

SB 2433 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 2482 has had the same under consideration and recommends by a vote of 5 YEAS, 2 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 2, after the word "stamps" insert the words "; and to provide an effective date"

On page 2, delete lines 5 and 6

On page 2, line 7, delete the words "program or combination of programs."

On page 2, line 8, delete the words "A minimum of seventy-five percent of the"

On page 2, delete lines 9 and 10

On page 2, line 11, delete the words "owned land for wildlife habitat."

On page 2, after line 15, insert the following new section:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1988."

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER, Chairman

SB 2482 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2490 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 12, after the first word "mediation" insert the words "at the parties' own expense"

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

SB 2490 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2510 has had the same under consideration and recommends by a vote of 6 YEAS, 0 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, line 1, after the word "to" insert the words "create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to enforcement of rights of health care facility residents; and to"

On page 1, line 17, overstrike the words "foster care home for adults,"

On page 5, line 31, remove the overstrike over the words "a thirty day"

On page 6, line 5, after the underscored comma insert the word "or"

On page 6, line 6, delete the words ", or a"

On page 6, delete line 7

On page 6, line 8, delete the words "resident's own sex"

On page 6, delete lines 30 through 32

On page 6, line 33, delete the letter "s" and insert in lieu thereof the letter "r"

On page 7, line 5, delete the letter "t" and insert in lieu thereof the letter "s"

On page 7, line 8, delete the letter "u" and insert in lieu thereof the letter "t"

On page 7, after line 33, insert the following new section:

"SECTION 4. A new section to chapter 50-10.2 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Enforcement - Injunction. Any facility that violates this chapter may be enjoined by a district court. Actions for injunction under this section may be prosecuted by the attorney general or any state's attorney in the name of the state. Actions for injunction under this section must be prosecuted in the county where the case arises."

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

SB 2510 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 2512 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 2, line 11, after the word "hundred" insert the word "ten"

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

SB 2512 was placed on the Sixth order of business for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2516 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 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 words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 6-09-15.4 of the North Dakota Century Code, relating to loans to businessmen.

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

SECTION 1. AMENDMENT. Section 6-09-15.4 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-09-15.4. Bank loans to beginning businessmen - Requirements. The Bank of North Dakota may participate in the making of loans to beginning businessmen with other financial institutions who are authorized to make such loans. As used in this section, "beginning businessman" means any person who is a resident of this state; receives more than one-half his annual income from a revenue-producing enterprise; intends to use any revenue-producing enterprise that he wishes to purchase or rent for business purposes; and has had adequate training, by experience or education, in the type of revenue-producing enterprise which he wishes to begin. The North Dakota industrial commission shall establish a program through the Bank of North Dakota for the purpose of participating in loans made by North Dakota financial institutions to nonfarming small business concerns. The total amount of a loan may not exceed two hundred fifty thousand dollars and the bank's participation interest may not exceed ninety percent of the total amount of the loan. The interest rate on the amount of the bank's participation interest in a loan must not be greater than the bank's base rate as in effect from time to time, and may float.

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

SB 2516 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SCR 4022 has had the same under consideration and recommends by a vote of 5 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 6, delete the word "caselaw" and insert in lieu thereof the words "case law"

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

SCR 4022 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 2541 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 "the"

On page 1, line 11, remove the overstrike over the words "games of pull tabs, jars, punchbeards, twenty-one, or sports pools"

On page 1, line 12, delete the words "any game of chance authorized under this chapter" and after the period insert the words "A person under eighteen years of age may not participate in the game of bingo unless the bingo game is locally authorized or the game's prize structure does not exceed those allowed for locally authorized games."

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

SB 2541 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2056 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2056 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 2231 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2231 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2312 has had the same under consideration and

recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. DOTZENROD, Chairman

SB 2312 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 2348 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 NOT PASS.

SEN. LASHKOWITZ, Chairman

SB 2348 was placed on the Eleventh 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 2372 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2372 was placed on the Eleventh 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 2380 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2380 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 2389 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. LASHKOWITZ, Chairman

SB 2389 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 2446 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

SB 2446 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 2527 has had the same under consideration and recommends by a

vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2527 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 2320 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 and be rereferred to the Committee on Appropriations.

SEN. D. MEYER, Chairman

SB 2320 was rereferred to the Committee on Appropriations.

CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SB 2083 as recommended by the Committee on Finance and Taxation as printed on pages 605-606 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2083 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2286 as recommended by the Committee on Finance and Taxation as printed on pages 606-608 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2286 was rereferred to the Committee on Appropriations.

SEN. SATROM MOVED that the amendments to SB 2323 as recommended by the Committee on Finance and Taxation as printed on pages 609-611 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2323 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. D. MEYER MOVED that SB 2257 be returned to the Senate floor from the Committee on State and Federal Government.

Sen. D. Meyer withdrew the motion.

CONFIRMATION SESSION

SEN. HEIGAARD MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

PRESIDENT PRO TEM REDLIN: Your select committee appointed to consider the nomination for the Board of Higher Education do advise and consent to the appointment of:

Darlene Leinen, Williston

SEN. WALDERA, Chairman

SEN. WALDERA MOVED that the report be adopted.

ROLL CALL

The question being "Will the Senate advise and consent to the nomination of Darlene Leinen, Williston, for the Board of Higher Education, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Tennefos

The Senate advises and consents to the nomination of Darlene Leinen for the Board of Higher Education.

MOTION

SEN. HEIGAARD MOVED that the Confirmation Session be dissolved, which motion prevailed.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2296, SB 2479, SCR 4024

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 3038

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that SCR 4044 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4044: A concurrent resolution urging Congress to adopt positive, solution-oriented programs of assistance targeted to address agricultural economic difficulties.

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

The question being on the final adoption of the resolution, as amended.

SCR 4044 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that SCR 4044 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SCR 4044 and subsequently passed the same.

PERRY GROTEBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

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

SCR 4044

PERRY GROTEBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SCR 4044

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILL

SB 2429: A BILL for an Act to amend and reenact subsection 2 of section 15-10-18.2 of the North Dakota Century Code, relating to resident veterans whose dependents are eligible for tuition waivers.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 13 YEAS, 38 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Langley; Lashkowitz; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Satrom; Schoenwald; Thane; Waldera

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Lips; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Shea; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Ingstad; Tennefos

SB 2429 lost.

MESSAGE 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:

HCR 3054, HCR 3055

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact section 16.1-13-27 of the North Dakota Century Code, relating to the disability of an elector.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Ingstad; Tennefos

SB 2307 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

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

HB 1058

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:

HB 1058

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILLS

SB 2357: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to an additional fee for driver education to be deposited in a driver education fund, standards for driver education courses, reimbursement of public schools and approved programs; and providing appropriations.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 26 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Keller; Kelly; Krauter; Langley; Lashkowitz; Maixner; Mathern; Meyer, D.; Meyer, W.; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Freborg; Hilken; Holmberg; Ingstad; Kelsh; Lips; Lodoen; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjelm; Streibel; Todd; Vosper

ABSENT AND NOT VOTING: Tennefos; Madam President

SB 2357 lost.

SB 2420: A BILL for an Act to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to the nomination and election of a person to more than one office.

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 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Heinrich

ABSENT AND NOT VOTING: Tennefos

SB 2420 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2456 and SB 2355 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2459: A BILL for an Act to amend and reenact subsection 1 of section 43-43-01, and sections 43-43-03, 43-43-04, 43-43-05, 43-43-06, and 43-43-07 of the North Dakota Century Code, relating to the advisory board of environmental health practitioners and the duties of the state health officer.

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 52 YEAS, 0 NAYS, 1 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2459 passed and the title was agreed to.

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, 4, 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.

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 20 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Hilken; Ingstad; Kelly; Krauter; Lips; Lodoen; Mathern; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Satrom; Streibel; Thane; Vosper; Wright

NAYS: Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Keller; Kelsh; Langley; Lashkowitz; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Todd; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Tennefos

SB 2506 lost.

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Representative Enoch Thorsgard was in the chamber and requested that the Senate recognize former Representative Thorsgard, and former Representative Thorsgard was thereupon introduced to the Senate.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos introduced:

(Approved by the Committee on Delayed Bills)

HCR 3054: A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

Was read the first time.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos introduced:

(Approved by the Committee on Delayed Bills)

HCR 3055: A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

Was read the first time.

MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that HCR 3054 and HCR 3055 not be printed, not be referred to committee, be read in their entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos introduced:

HOUSE CONCURRENT RESOLUTION NO. 3054

A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

WHEREAS, the North Dakota State University Bison football team, coached by Earle Solomonson, completed their 1986 season with a record of 13 wins and no losses and captured the NCAA Division II championship for the third time in the last four seasons; and

WHEREAS, the Bison have appeared in Division II post-season play during six successive seasons, a feat unequaled by any other team; and

WHEREAS, the Bison have been awarded national championships by the wire service in 1965, 1968, and 1969, and have won national championships on the playing field in 1983, 1985, and 1986; and

WHEREAS, during the first round of the 1986 Division II playoffs, the Bison set a single game rushing record of 523 yards and then culminated their playoff performance by establishing a Division II playoff total rushing record of 1,146 yards; and

WHEREAS, the Bison established a record of 11 wins and one loss during the past 12 Division II playoff games and the Bison's 13 wins and no losses during the 1986 season continues an extraordinary 23 game winning streak; and

WHEREAS, the Bison football program is widely regarded as the most successful football program in Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State University Bison football team and their coach Earle Solomonson its heartiest congratulations for their superlative athletic achievements and nationally recognized performance; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and coach Earle Solomonson.

Reps. Payne, Kloubec, R. Berg, Dorso, Gorman, Kelly, Moore, C. Nelson, Scherber, Schneider and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos introduced:

HOUSE CONCURRENT RESOLUTION NO. 3055

A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

WHEREAS, Jeff Bentrin, as quarterback of the North Dakota State University Bison, has led the Bison to three national NCAA Division II titles within the past four seasons; and

WHEREAS, during the Bison's 1986 Division II championship win over the South Dakota Coyotes, Jeff Bentrin rushed for 111 yards and scored two touchdowns; and

WHEREAS, while leading the Bison to a 13 wins and no losses season record in 1986, Jeff Bentrin broke Walter Payton's career touchdown rushing record, set 11 school records, and ran for over 100 yards four times during the season, giving him a career total of seventeen 100-yard games; and

WHEREAS, Jeff Bentrin has accomplished the unparalleled feat of leading the Division II in scoring for three years; and

WHEREAS, Jeff Bentrin has been selected as captain of the offense on the Associated Press Little All-American football team, and he was the first recipient of the prestigious Harlon

Hill Trophy designating him the outstanding athlete in Division II;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fiftieth Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Jeff Bentrin for his many superb achievements in the sport of collegiate football; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Jeff Bentrin.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3054: A concurrent resolution congratulating the North Dakota State University Bison football team on winning their third NCAA Division II football championship.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3054 was declared adopted on a voice vote.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3055: A concurrent resolution congratulating Jeff Bentrin on receiving the Harlon Hill Trophy and for his nationally recognized athletic achievements.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3055 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President Pro Tem presiding.

DELIVERY OF ENROLLED RESOLUTION

THE PRESIDENT PRO TEM ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 3:00 p.m., February 9, 1987:

DELIVERY OF ENROLLED BILLS

THE PRESIDENT PRO TEM ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 3:10 p.m., February 9, 1987:

SB 2296, SB 2479

MOTIONS

SEN. TWETEN MOVED that SB 2517 be further amended as follows:

On page 1 of the engrossed bill, delete lines 12 through 28

On page 2 of the engrossed bill, line 1, delete the numeral "2" and insert in lieu thereof the numeral "1"

On page 2 of the engrossed bill, line 3, after the word "commissioner" insert the words "for any city"

On page 2 of the engrossed bill, line 5, after the word "issued" insert the words "by the city"

On page 2 of the engrossed bill, line 8, delete the word "that"

On page 2 of the engrossed bill, delete line 9

On page 2 of the engrossed bill, line 10, delete the numerals "1987,"

On page 2 of the engrossed bill, line 12, delete the word "thirty" and insert in lieu thereof the word "ten"

On page 2 of the engrossed bill, line 14, after the word "commissioner" insert the words "for any city"

On page 2 of the engrossed bill, line 15, after the word "issued" insert the words "by the city"

On page 2 of the engrossed bill, line 19, delete the words "that imposed general city sales"

On page 2 of the engrossed bill, line 20, delete the words and numerals "taxes before January 1, 1987,"

On page 2 of the engrossed bill, line 22, delete the numeral "3" and insert in lieu thereof the numeral "2"

On page 2 of the engrossed bill, line 26, delete the numeral "4" and insert in lieu thereof the numeral "3"

On page 4 of the engrossed bill, line 23, delete the numeral "5" and insert in lieu thereof the numeral "4"

And renumber the lines, sections, and pages accordingly

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

SEN. HEINRICH MOVED that the rules be suspended, that SB 2517 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

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.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 12 YEAS, 38 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Kelsh; Krauter; Langley; Meyer, D.; Meyer, W.; Richard; Streibel; Stromme; Tallackson; Thane; Tweten; Vosper

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjerm; Todd; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Freborg; Kelly; Tennefos

SB 2517 lost.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SCR 4044

ROY GILBREATH, Chief Clerk

MOTION

SEN. NALEWAJA MOVED that the rules be suspended and that HCR 3054 and HCR 3055 be messaged to the House immediately, which motion prevailed.

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MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3054, HCR 3055

PERRY GROTEBERG, Secretary

MESSAGE FROM THE HOUSE
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 3054, HCR 3055

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

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

HCR 3054, HCR 3055

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 3054, HCR 3055

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution directing the Legislative Council to study the use of comparable worth to determine the existence of wage-based sex discrimination.

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

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 29 YEAS, 21 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; 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; Stenehjerm; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Freborg; Kelly; Tennefos

SCR 4016 was declared adopted and the title was agreed to on a roll call vote.

MOTION

SEN. HEIGAARD MOVED that HB 1057 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to create and enact a new section to chapter 54-07 and a new subsection to section 54-09-02 of the North Dakota Century Code, relating to the duties of the governor and the secretary of state to file and record the filing of bills passed by the legislative assembly; to amend and reenact section 46-03-15 of the North Dakota Century Code, relating to the publication of the laws; and to declare an emergency.

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

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Kelly; Tennefos

HB 1057 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. HEIGAARD MOVED that the absent Senators be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2056, SB 2083, SB 2231, SB 2312, SB 2323, SB 2348, SB 2372, SB 2380, SB 2389, SB 2446, and SB 2527, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 10, 1987, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Holmberg introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study the process of approving and ultimately prioritizing studies to be conducted by the Legislative Council.

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

FIRST READING OF HOUSE BILLS

HB 1129: A BILL for an Act to amend and reenact section 38-08-06.3 of the North Dakota Century Code, relating to information that must accompany payments to royalty owners.
Was read the first time and referred to the Committee on Natural Resources.

HB 1228: A BILL for an Act to create and enact a new subsection to section 39-06-32 and two new subsections to section 39-06-40 of the North Dakota Century Code, relating to operator's license suspensions and the unlawful use of an operator's license, permit, or nondriver photo identification card and the revoking of the operator's license, permit, or nondriver photo identification card; and to amend and reenact subsection 5 of section 39-06-03.1, sections 39-06-04, 39-06-05, 39-06-06, 39-06-07.1, 39-06-10, subsection 3 of section 39-06-17, section 39-06-24, subsection 3 of section 39-06-32, subsection 2 of section 39-06-37, sections 39-06-38, 39-06-40, and subsections 1, 2, and 4 of section 39-06-40.1 of the North Dakota Century Code, relating to the use of nondriver photo identification cards, operator permits and license applications, financial responsibility of minors, restriction or cancellation of operators' licenses, fraudulent or unlawful use of an operator's license, surrender and return of an operator's license, foreign operators' licenses, and reproducing an operator's license, permit, or personal identification card.

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

HB 1263: A BILL for an Act to amend and reenact section 20.1-05-04 of the North Dakota Century Code, relating to the use of horses and mules in the taking of big game.
Was read the first time and referred to the Committee on Natural Resources.

HB 1298: 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 agreements between water resource boards and state and federal agencies for certain improvements.

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

HB 1396: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of township road ditches.

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

HB 1417: A BILL for an Act to provide for judicial review of proceedings by political subdivisions relating to the issuance of evidence of indebtedness.

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

HB 1457: A BILL for an Act to amend and reenact sections 5-01-08.1 and 5-01-08.2 of the North Dakota Century Code, relating to misrepresentation of age by minors purchasing alcoholic beverages.

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

HB 1467: A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of certain farm motor vehicles.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of restoring Devils Lake through alternate sources of water.

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

DELIVERY OF ENROLLED RESOLUTION

THE PRESIDENT PRO TEM ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 4:00 p.m., February 9, 1987:

SCR 4044

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

PERRY GROTEBERG, Secretary