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*LaCosta Rickford*  
Operator's Signature

10/15/03  
Date

2003 SENATE JUDICIARY

SB 2046

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2046

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 01/21/03

Tape Number	Side A	Side B	Meter #
1	X		16.9- 27
Committee Clerk Signature <i>Maura L Solberg</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

**Testimony Support of SB 2046**

Mr. Walstad - Introduced Bill full of Amendments. (meter 17.2) The Bill is about the mistakes such as typo's or drafting mistakes; subsections # wrong - clerical errors. Went through bill.

Senator Carolyn Nelson asked if they had the authority to just make these changes as long as they did not change the context of the bill in anyway? Mr. Walstad responded that they did not have the authority to do this. Senator Carolyn Nelson discussed a way to give it to them via a bill.

**Testimony in opposition of SB 2046**

None

**Testimony Neutral to SB 2046**

Discussion of Dispersed vs. Disbursed.

Page 2  
Senate Judiciary Committee  
Bill/Resolution Number SB 2046  
Hearing Date 01/21/03

**Motion Made to DO PASS Amendment of SB 2046 by Senator Thomas L. Trenbeath and  
seconded by Senator Dick Dever**

**Roll Call Vote: 6 Yes. 0 No. 0 Absent**

**Motion Passed**

**Motion Made to DO PASS SB 2046 with one amendment by Senator Dick Dever and  
seconded by Senator Thomas L. Trenbeath.**

**Roll Call Vote: 6 Yes. 0 No. 0 Absent**

**Motion Passed**

**Floor Assignment: Senator Carolyn Nelson**

**Senator John T. Traynor, Chairman closed the hearing**

30140.0201  
Title.0300

Prepared by the Legislative Council staff for  
Senate Judiciary Committee  
January 21, 2003

*JE*  
1 of 6  
1-21-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2046

- Page 1, line 1, replace "section" with "sections" and after "4-30-48" insert "and 6-03-13.6"
- Page 1, line 2, after the second comma insert "subsection 21 of section 11-11-14,"
- Page 1, line 4, after the first comma insert "sections 20.1-02-05.1, 20.1-04-12.1, 20.1-08-04.6, 20.1-13-08, 20.1-13.1-09, 20.1-15-09, and 20.1-15-10,"
- Page 1, line 6, replace the second "section" with "sections" and after "26.1-26-31.8" insert "and 26.1-36.5-01"
- Page 1, line 7, after the second comma insert "section 38-08-09.9, subsection 7 of section 40-63-07,"
- Page 1, line 8, after the first comma insert "subsection 4 of section 43-17-07.1," and remove "and"
- Page 1, line 9, after "54-52.1-01" insert ", and subsection 2 of section 57-02-26"
- Page 1, after line 24, insert:

**"SECTION 2. AMENDMENT.** Section 6-03-13.6 of the North Dakota Century Code is amended and reenacted as follows:

**6-03-13.6. Branch conversions.** Notwithstanding section 6-03-13.1, any bank organized under chapter 6-02, any national bank doing business in this state, or a bank established in this state by a bank holding company doing business in this state as of January 1, 1995, may convert a branch of a federal savings and loan association located in this state which was in existence as of March 1, 1995, purchased by the bank between January 1, 1995, and August 1, 1996, into a facility of the bank to be maintained at the same branch location if the acquisition and conversion does not violate the deposit limitations provisions contained in sections ~~6-08-29~~ 6-08-30 and 6-08.3-03.1 and the acquisition and conversion of the branch is approved by the appropriate regulatory agencies."

Page 2, after line 27, insert:

**"SECTION 5. AMENDMENT.** Subsection 21 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

21. To participate and enact or adopt ordinances and resolutions necessary for participation in the nation's historic preservation program as a certified local government, as provided for under 36 CFR ~~61.5~~ 61.6."

Page 5, after line 14, insert:

**"SECTION 12. AMENDMENT.** Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

2016

**20.1-02-05.1. Land acquisitions - Statewide land acquisition plan.** The ~~commissioner~~ director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section.

**SECTION 13. AMENDMENT.** Section 20.1-04-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-04-12.1. Gun dog activities - Permit required - Fee.**

1. The ~~commissioner~~ director shall issue a permit for the following gun dog activities:
  - a. The training exercises of a resident or nonresident professional trainer;
  - b. The training exercises of a nonresident amateur trainer who brings more than four gun dogs into the state; and
  - c. Hosting field trials that use live wild birds.
2. The application for the permit must be in a form prescribed by the ~~commissioner~~ director and must be accompanied by the appropriate fee.
3. Upon the receipt of the completed application and fee the ~~commissioner~~ director shall issue a permit for a specified period of time and shall require the permit holder to submit an annual report.
4. The fees for the permits are:
  - a. For a resident professional gun dog trainer for training exercises or hosting field trials, ten dollars.
  - b. For a nonresident professional gun dog trainer for training exercises or hosting field trials, one hundred dollars.
  - c. For a permit to a nonresident amateur who brings more than four gun dogs into this state, twenty-five dollars.
5. For purposes of this section, a professional trainer is a person who trains any breed of gun dog for remuneration that is the basis for that person's livelihood.

**SECTION 14. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle.** The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted by the ~~commissioner~~ director with only residents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the ~~commissioner~~

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director requires. Except for landowners who receive special elk depredation management licenses issued to landowners under subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

**SECTION 15. AMENDMENT.** Section 20.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13-08. Collisions, accidents, casualties, and liability.** The operator of a vessel involved in a collision, accident, or other casualty, so far as that person can do so without serious danger to that person's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and necessary to save them from or minimize any danger caused by the collision, accident, or other casualty. That person shall also give that person's name, address, and vessel identification in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of an amount specified by the ~~commissioner~~ director by rule, or a person disappears from the vessel under circumstances that indicate death or injury, the operator of the vessel shall file with the department a full description of the collision, accident, or other casualty, including such information as the ~~commissioner~~ director may require by rule.

Any operator of a vessel, or other person who complies with this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted may not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

**SECTION 16. AMENDMENT.** Section 20.1-13.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13.1-09. Judicial review.** Any person who has been prohibited from operating a motorboat or vessel by the decision of the hearing officer under section 20.1-13.1-08 may appeal within seven days after the date of the hearing under section 20.1-13.1-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

**SECTION 17. AMENDMENT.** Section 20.1-15-09 of the North Dakota Century Code is amended and reenacted as follows:

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**20.1-15-09. Judicial review.** Any person whose hunting privileges have been suspended, revoked, or denied by the decision of the hearing officer under section 20.1-15-08 may appeal within seven days after the date of the hearing under section 20.1-15-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

**SECTION 18. AMENDMENT.** Section 20.1-15-10 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-15-10. Credit for suspension of hunting privileges.** After conviction of a person for violating section 20.1-01-06, the ~~commissioner~~ director, in suspending the person's hunting privileges, shall give credit for the time in which the suspension or revocation of hunting privileges has been or is being imposed under this chapter in connection with the same offense."

Page 7, after line 6, insert:

**"SECTION 25. AMENDMENT.** Section 26.1-36.5-01 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36.5-01. Definition.** For purposes of this chapter, unless the context otherwise requires, "insurer" means any health insurer, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 [Pub. L. 99-272; 100 Stat. 281; 29 U.S.C. 1167(1)], a health maintenance organization as defined in section ~~26.1-18-01~~ 26.1-18.1-01, a health service corporation as defined in section 26.1-17-01, and a provider of an accident and health insurance policy as defined in section 26.1-36-03."

Page 9, after line 3, insert:

**"SECTION 29. AMENDMENT.** Section 38-08-09.9 of the North Dakota Century Code is amended and reenacted as follows:

**38-08-09.9. Enlargement of area - Creation of new units - Amendment of plan.** The unit area of a unit may be enlarged at any time by the commission, subject to the limitations hereinbefore provided to include adjoining portions of the same common source of supply, including the unit area of another unit, and a new unit created for the unitized management, operation, and further development of such enlarged unit area, or the plan of unitization may be otherwise amended, all in the same manner, upon the same conditions and subject to the same limitations as provided with respect to the creation of a unit in the first instance, except, that where an amendment to a plan of

Page No. 4

30140.0201

*La Costa Rickford*  
Operator's Signature

*10/15/03*  
Date



Soft

utilization relates only to the rights and obligations as between lessees, or the amendment to a plan of utilization or the enlargement of a unit area is found by the commission to be reasonably necessary in order to effectively carry on the joint effort, to prevent waste, and to protect correlative rights, and that such will result in the general advantage of the owners of the oil and gas rights within the unit area and the proposed enlarged unit area, and the persons and owners in the proposed added unit area have ratified or approved the plan of utilization as required by section 38-08-09.5, then such amendment to a plan of utilization or the enlargement of a unit area need not be ratified or approved by royalty owners of record in the existing unit area provided that written notice thereof is mailed to such royalty owners by the operator of a unit not more than forty days nor less than thirty days prior to the commission hearing. The notice must describe the plan for the unit amendment or enlargement together with the participation factor to be given each tract in the unit area and in the proposed area and must contain the time and place of the commission hearing. An affidavit of mailing verifying such notice must be filed with the commission. Said notice must further provide that in the event ten percent of the royalty interests or working interests in the existing unit area file with the commission at least ten days prior to the commission proceeding an objection to the plan of enlargement, the commission shall require that the unit amendment or enlargement be approved by seventy six percent of all royalty interests and working interests in the existing and proposed areas.

**SECTION 30. AMENDMENT.** Subsection 7 of section 40-63-07 of the North Dakota Century Code is amended and reenacted as follows:

7. Income to a renaissance fund organization derived from the sale or refinancing of zone properties financed wholly or in part by the organization may be ~~dispersed~~ disbursed as annual dividends equal to the income, minus ten percent, derived from all sources and proportional to the investment. In the event of a loss to the fund resulting in a temporary diminishment of the fund below the original principal amount, no annual dividend may be paid until the fund is restored."

Page 9, after line 23, insert:

**"SECTION 32. AMENDMENT.** Subsection 4 of section 43-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, including the federation of state medical boards action data bank, other data repositories, licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, health care institutions, and law enforcement agencies be reported to the board ~~or to the commission on medical competency.~~"

Page 10, after line 23, insert:

**"SECTION 36. AMENDMENT.** Subsection 2 of section 57-02-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Property held under an easement or a lease for a term of years and any improvements upon that property which are used for any purpose relating to discovery, exploration, processing, or transportation of oil or gas must be considered the property of the ~~lease lessee~~ or easement holder. For the purposes of this subsection, "improvements" does not include property subject to the provisions of chapter 57-06 or property subject to the in lieu of ad valorem tax provisions of chapter 57-51."

Renumber accordingly

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Page No. 6

30140.0201

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10/15/03  
Date

Date: January 21, 2003  
Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2046**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30140.0201

Action Taken Amendment #1

Motion Made By Senator Thomas Trenbeath Seconded By Senator Dick Dever

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Date: January 21, 2003  
Roll Call Vote #: 2

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2046**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS as amended

Motion Made By Senator Dick Dever Seconded By Senator Thomas L. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Carolyn Nelson

If the vote is on an amendment, briefly indicate intent:

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Lacosta Rickford  
Operator's Signature

10/15/03  
Date

REPORT OF STANDING COMMITTEE (410)  
January 22, 2003 1:50 p.m.

Module No: SR-12-0932  
Carrier: Nelson  
Insert LC: 30140.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**SB 2046: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "4-30-48" insert "and 6-03-13.6"

Page 1, line 2, after the second comma insert "subsection 21 of section 11-11-14,"

Page 1, line 4, after the first comma insert "sections 20.1-02-05.1, 20.1-04-12.1, 20.1-08-04.6, 20.1-13-08, 20.1-13.1-09, 20.1-15-09, and 20.1-15-10,"

Page 1, line 6, replace the second "section" with "sections" and after "26.1-26-31.8" insert "and 26.1-36.5-01"

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Page 2, after line 27, insert:

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acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section.

**SECTION 13. AMENDMENT.** Section 20.1-04-12.1 of the North Dakota Century Code is amended and reenacted as follows:

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2. The application for the permit must be in a form prescribed by the ~~commissioner~~ director and must be accompanied by the appropriate fee.
3. Upon the receipt of the completed application and fee the ~~commissioner~~ director shall issue a permit for a specified period of time and shall require the permit holder to submit an annual report.
4. The fees for the permits are:
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  - c. For a permit to a nonresident amateur who brings more than four gun dogs into this state, twenty-five dollars.
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**SECTION 14. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

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REPORT OF STANDING COMMITTEE (410)  
January 22, 2003 1:50 p.m.

Module No: SR-12-0932  
Carrier: Nelson  
Insert LC: 30140.0201 Title: .0300

director requires. Except for landowners who receive special elk depredation management licenses issued to landowners under subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

**SECTION 15. AMENDMENT.** Section 20.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

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Any operator of a vessel, or other person who complies with this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted may not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

**SECTION 16. AMENDMENT.** Section 20.1-13.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13.1-09. Judicial review.** Any person who has been prohibited from operating a motorboat or vessel by the decision of the hearing officer under section 20.1-13.1-08 may appeal within seven days after the date of the hearing under section 20.1-13.1-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

REPORT OF STANDING COMMITTEE (410)  
January 22, 2003 1:50 p.m.

Module No: SR-12-0932  
Carrier: Nelson  
Insert LC: 30140.0201 Title: .0300

**SECTION 17. AMENDMENT.** Section 20.1-15-09 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-15-09. Judicial review.** Any person whose hunting privileges have been suspended, revoked, or denied by the decision of the hearing officer under section 20.1-15-08 may appeal within seven days after the date of the hearing under section 20.1-15-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

**SECTION 18. AMENDMENT.** Section 20.1-15-10 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-15-10. Credit for suspension of hunting privileges.** After conviction of a person for violating section 20.1-01-06, the ~~commissioner~~ director, in suspending the person's hunting privileges, shall give credit for the time in which the suspension or revocation of hunting privileges has been or is being imposed under this chapter in connection with the same offense."

Page 7, after line 6, Insert:

**"SECTION 25. AMENDMENT.** Section 26.1-36.5-01 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36.5-01. Definition.** For purposes of this chapter, unless the context otherwise requires, "insurer" means any health insurer, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 [Pub. L. 99-272; 100 Stat. 281; 29 U.S.C. 1167(1)], a health maintenance organization as defined in section ~~26.1-18-01~~ 26.1-18.1-01, a health service corporation as defined in section 26.1-17-01, and a provider of an accident and health insurance policy as defined in section 26.1-36-03."

Page 9, after line 3, Insert:

**"SECTION 29. AMENDMENT.** Section 38-08-09.9 of the North Dakota Century Code is amended and reenacted as follows:

**38-08-09.9. Enlargement of area - Creation of new units - Amendment of plan.** The unit area of a unit may be enlarged at any time by the commission, subject to the limitations hereinbefore provided to include adjoining portions of the same common source of supply, including the unit area of another unit, and a new unit created for the unitized management, operation, and further development of such enlarged unit area, or the plan of unitization may be otherwise amended, all in the



same manner, upon the same conditions and subject to the same limitations as provided with respect to the creation of a unit in the first instance, except, that where an amendment to a plan of unitization relates only to the rights and obligations as between lessees, or the amendment to a plan of unitization or the enlargement of a unit area is found by the commission to be reasonably necessary in order to effectively carry on the joint effort, to prevent waste, and to protect correlative rights, and that such will result in the general advantage of the owners of the oil and gas rights within the unit area and the proposed enlarged unit area, and the persons and owners in the proposed added unit area have ratified or approved the plan of unitization as required by section 38-08-09.5, then such amendment to a plan of unitization or the enlargement of a unit area need not be ratified or approved by royalty owners of record in the existing unit area provided that written notice thereof is mailed to such royalty owners by the operator of a unit not more than forty days nor less than thirty days prior to the commission hearing. The notice must describe the plan for the unit amendment or enlargement together with the participation factor to be given each tract in the unit area and in the proposed area and must contain the time and place of the commission hearing. An affidavit of mailing verifying such notice must be filed with the commission. Said notice must further provide that in the event ten percent of the royalty interests or working interests in the existing unit area file with the commission at least ten days prior to the commission proceeding an objection to the plan of enlargement, the commission shall require that the unit amendment or enlargement be approved by ~~seventy~~ sixty percent of all royalty interests and working interests in the existing and proposed areas.

**SECTION 30. AMENDMENT.** Subsection 7 of section 40-63-07 of the North Dakota Century Code is amended and reenacted as follows:

7. Income to a renaissance fund organization derived from the sale or refinancing of zone properties financed wholly or in part by the organization may be ~~disposed~~ disbursed as annual dividends equal to the income, minus ten percent, derived from all sources and proportional to the investment. In the event of a loss to the fund resulting in a temporary diminishment of the fund below the original principal amount, no annual dividend may be paid until the fund is restored."

Page 9, after line 23, insert:

**"SECTION 32. AMENDMENT.** Subsection 4 of section 43-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, including the federation of state medical boards action data bank, other data repositories, licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, health care institutions, and law enforcement agencies be reported to the boarder ~~to the commission on medical competency.~~

Page 10, after line 23, insert:

**"SECTION 36. AMENDMENT.** Subsection 2 of section 57-02-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Property held under an easement or a lease for a term of years and any improvements upon that property which are used for any purpose relating to discovery, exploration, processing, or transportation of oil or gas must be considered the property of the ~~lease~~ lessee or easement holder. For

**REPORT OF STANDING COMMITTEE (410)**  
January 22, 2003 1:50 p.m.

**Module No: SR-12-0932**  
**Carrier: Nelson**  
**Insert LC: 30140.0201 Title: .0300**

the purposes of this subsection, "improvements" does not include property subject to the provisions of chapter 57-06 or property subject to the in lieu of ad valorem tax provisions of chapter 57-51."

Renumber accordingly

2003 HOUSE JUDICIARY

SB 2046

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LaCosta Rickford  
Operator's Signature

10/15/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2046

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-26-03

Tape Number	Side A	Side B	Meter #
1		xx	22.3-26.5
2	xx		6.9-8
Committee Clerk Signature <i>A. Penrose</i>			

**Minutes:** 12 members present, 1 member absent (Rep. Onstad).

**Chairman DeKrey:** We will open the hearing on SB 2046.

**John Walstad, LC:** This is one bill when I actually get to appear in favor. We're fixing errors.

The amendments have been handed out.

**Chairman DeKrey:** Thank you. Any testimony in support of SB 2046? Testimony in opposition to SB 2046. We will close the hearing.

(Reopened later in the afternoon session)

**Chairman DeKrey:** What are the committee's wishes in regard to SB 2046.

**Rep. Delmore:** I move the amendments 30140.0301.

**Rep. Grande:** Seconded.

Voice vote: Carried.

**Rep. Maragos:** I move a Do Pass as amended.

**Rep. Delmore:** Seconded.

Page 2

House Judiciary Committee

Bill/Resolution Number SB 2046

Hearing Date 2-26-03

12 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Kretschmar

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10/15/03  
Date

30140.0301  
Title.0400

Prepared by the Legislative Council staff for <sup>VR</sup>2/24/03  
House Judiciary  
February 26, 2003

**SENATE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2046 JUD 2/27/03**

Page 11, line 16, remove the overstrike over "~~section~~", after "~~26.1-26.15.1~~" insert  
"26.1-26.13.3", and remove the overstrike over "~~and~~"

Renumber accordingly

Page No. 1

30140.0301

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La Costa Rickford  
Operator's Signature

10/15/03  
Date

Date: 2/26/03  
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2046**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30140.0301 .0400

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	AB	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Kretschmar

If the vote is on an amendment, briefly indicate intent:

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LaCosta Rickford  
Operator's signature

10/15/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 27, 2003 8:41 a.m.

Module No: HR-35-3545  
Carrier: Kretschmar  
Insert LC: 30140.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

SB 2046, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 11, line 16, remove the overstrike over "~~section~~", after "~~26.1-26-15.1~~" Insert "26.1-26-13.3", and remove the overstrike over "~~and~~"

Renumber accordingly