

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTY-FIFTH DAY

Bismarck, February 7, 1983

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

The prayer was offered by Rev. Tom Sullivan, St. Anne's Church, Bismarck.

Heavenly Father, good men and women are gathered in these chambers to deliberate issues affecting the lives of their fellow citizens.

We find ourselves at a turning point in the history of our state and our nation. New realities and new needs are presented to lawmakers, social workers, religious leaders, and all who care about people.

Be with us today with the power of Your Spirit. May our hearts be on fire with Your love, and our minds be enlightened by Your truth, that we might deliberate with divine wisdom, and enact laws that will promote the dignity of all men, and the brotherhood that is so much a part of our North Dakota tradition.

Make each Senator aware of his and her personal goodness and anxious to spend that goodness for the future of our welfare.

We make this prayer in Jesus' name. Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. TWETEN, Chairman

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

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the

Governor for his approval at the hour of 10:32 a.m., February 7, 1983:

SB 2127

SEN. FRITZELL, Chairman

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

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

SB 2062, SB 2082, SB 2271, SB 2284, SB 2393, SB 2420

SEN. FRITZELL, Chairman

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

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

SB 2226

SEN. FRITZELL, Chairman

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

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

SCR 4024

SEN. FRITZELL, Chairman

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

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SCR 4024

LEO LEIDHOLM, Secretary

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

SB 2154, SB 2220, SB 2224, SB 2268, SB 2282, SB 2285,  
SB 2294, SB 2320, SB 2349, SB 2359, SB 2362, SB 2364

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2017, SB 2103

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1099, HB 1171

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2065, SB 2281

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1039, HB 1040, HB 1208, HB 1214, HB 1268, HB 1297,  
HB 1321, HB 1331, HB 1406, HB 1427, HB 1438, HB 1452,  
HB 1574, HB 1578, HB 1632

Very respectfully,  
CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2308 as recommended by the Committee on Judiciary as printed on pages 529 and 530 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2400 as recommended by the Committee on Finance and Taxation as printed on page 531 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2414 as recommended by the Committee on Social Services and Veterans Affairs as printed on

pages 531 and 532 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2432 as recommended by the Committee on Political Subdivisions as printed on page 532 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2444 as recommended by the Committee on Political Subdivisions as printed on pages 532 and 533 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2450 as recommended by the Committee on Political Subdivisions as printed on page 533 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2473 as recommended by the Committee on State and Federal Government as printed on pages 533 and 534 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2041 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "and" and insert in lieu thereof the words ", subsection 1 of section 54-44.3-07,"

On page 1, line 2, after the numeral "54-44.3-12" insert the words ", and section 54-44.3-12.1"

On page 1, line 4, after the word "Act" insert a comma and delete the word "and"

On page 1, line 5, after the word "division" insert the words ", and the functions of the state personnel board"

On page 1, after line 15, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 1 of section 54-44.3-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Promulgate such rules and hold such hearings as are necessary to properly perform the duties, functions, and powers imposed on or vested in it by law. The promulgation of rules and policies adopted

by the state personnel board shall be accomplished in accordance with provisions of chapter 28-32."

On page 1, line 19, overstrike the first comma, and insert immediately thereafter the word "and", and overstrike the words ", and regulations"

On page 1, after line 23, insert the following new section:

"SECTION 4. AMENDMENT. Section 54-44.3-12.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.3-12.1. Revisions to compensation plan. Revisions to the compensation plan shall only be made on July first, ~~following the close of a regular legislative session~~, except that new classifications may be added to the compensation plan during a biennium when deemed necessary ~~by the director~~. Revisions to the compensation plan shall only be made to the extent the legislative assembly appropriates funds to implement such plans."

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

SB 2041 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2187 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact sections 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-11, 25-01.2-12, 25-01.2-14, and 25-01.2-18 of the North Dakota Century Code, relating to the rights of developmentally disabled persons residing in institutions or facilities, individualized education plans, and rulemaking authority.

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

SECTION 1. AMENDMENT. Section 25-01.2-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-04. Mail, telephone, and visitation rights - Application to residential institution or facility.

Except as provided in this section, every person who resides in a mental health or developmental disabilities institution or facility has the right of private, unimpeded, uncensored communication with persons of the resident's choice by mail, telephone, and visitation.

1. The facility director shall ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible, and that space for private visitation is available.
2. The facility director may establish in writing reasonable times and places for use of telephones and for visits, provided that a resident's ability to contact an attorney may not be restricted, and provided that any rules or restrictions shall be posted in each residential facility. A copy of any rules or restrictions shall be given to all residents over eighteen years of age and to the parents or guardian of all residents under eighteen years of age, upon admission.

This section applies only with respect to an institution or facility that provides residential care.

SECTION 2. AMENDMENT. Section 25-01.2-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-05. Personal property - Application to residential institution or facility. Except in the circumstances and under the conditions provided in this section, every resident of an institution or facility shall be permitted to receive, possess, and use lawful personal property and shall be provided with a secure, convenient, and reasonable amount of storage space for that property.

1. The facility director may restrict the possession and use of certain classes of property which may be dangerous or may harm a resident.
2. Notice of any restrictions shall be given in writing to all residents over eighteen years of age and to the parents or guardian of all residents under eighteen years of age, upon admission.

3. When a resident is discharged from the institution or facility all of the resident's lawful personal property which is in the custody of the facility shall be returned to the resident.

This section applies only with respect to an institution or facility that provides residential care.

SECTION 3. AMENDMENT. Section 25-01.2-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-06. Labor - Wages - Money - Application to residential institution or facility. A resident or service recipient may consent to perform labor for a service provider if the professional responsible for overseeing the implementation of that resident's individual habilitation plan determines that the labor would be consistent with that plan.

1. A resident or service recipient who performs labor which is of any consequential economic benefit to a service provider shall receive wages which are commensurate with the value of the work performed, in accordance with applicable federal and state laws and regulations. A resident may be required to perform tasks of a personal housekeeping nature without compensation.
2. A resident may use his money as he chooses, unless he is a minor, is prohibited from doing so under a court guardianship or conservatorship order, or the use would be inconsistent with the resident's individual habilitation plan. A minor or a person under guardianship or conservatorship may be required to deposit his money with the service provider, or in a financial institution in the name of a parent, guardian, or conservator, and may be permitted to use the money in accordance with written instructions of the parent, guardian, or conservator.
3. A resident may deposit money, or cause money to be deposited, in his name with a financial institution of the resident's choice, or the resident may deposit the money with a service provider. The service provider may not retain any money deposited

with the service provider under this subsection, but shall hold all such funds in an account in the resident's name. All earnings attributable to a resident's money shall accrue to the resident.

4. No service provider nor any of the service provider's employees shall be made representative payee for a resident's social security, pension, annuity, trust fund, or any other form of direct payment or assistance without the resident's informed consent.
5. When a resident is discharged, all of the resident's money, including earnings, shall be returned to the resident.

This section applies only with respect to an institution or facility that provides residential care.

SECTION 4. AMENDMENT. Section 25-01.2-07 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-07. Medical and dental services - Application to residential institution or facility. All residents of an institution or facility are entitled to appropriate and adequate medical and dental services, which must be provided by qualified professionals who are licensed to practice or are otherwise authorized to provide medical and dental services pursuant to state and federal law and regulations. This section applies only with respect to an institution or facility that provides residential care.

SECTION 5. AMENDMENT. Section 25-01.2-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-11. Psychosurgery, sterilization, or research - Court order required - Hearing - Right to court-appointed attorney - Application to residential institution or facility. A court of competent jurisdiction may issue the orders required for the procedures or treatments in subsection 4 of section 25-01.2-09 upon application of the party alleging the necessity of the procedure, the person who is receiving or is entitled to receive the treatment, or the person's guardian, following a hearing on the application.

1. The person receiving or entitled to treatment shall:
  - a. Receive prior notice of the hearing;
  - b. Have the right and the opportunity to present evidence; and
  - c. Have the right to be confronted with and to cross-examine witnesses.
2. ~~In the event that~~ If the developmentally disabled person cannot afford counsel, the court shall appoint an attorney not less than ten days before the hearing.
3. The burden of proof shall be on the party alleging the necessity of the procedure or treatment.
4. An order allowing the procedure or treatment may not be granted unless the party alleging the necessity of the procedure or treatment proves by clear and convincing evidence that the procedure is in the best interest of the recipient and that no less drastic measures are feasible.

This section applies only with respect to an institution or facility that provides residential care.

SECTION 6. AMENDMENT. Section 25-01.2-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-12. Diet - Application to residential institution or facility. Every resident of any institution or facility shall be provided with a nutritionally adequate and sufficient diet planned by a qualified dietician. This section applies only with respect to an institution or facility that provides residential care.

SECTION 7. AMENDMENT. Section 25-01.2-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-14. Individualized habilitation or education plan - Contents. Any institution, facility, ~~school,~~ agency, or organization that provides services for developmentally disabled persons shall have a written, individualized habilitation plan developed and put into effect for each person for whom that

institution, facility, ~~school~~, agency, or organization is primarily responsible for the delivery, or coordinating the delivery, of services. The individualized habilitation plan shall. A school must have an individual education plan for each of its developmentally disabled students. A plan required under this section must:

1. Be developed and put into effect within thirty days following admission of the person.
2. Be reviewed and updated from time to time, but no less than annually.
3. Include a statement of the long-term habilitation or education goals for the person and the intermediate objectives relating to the attainment of those goals. The objectives shall be stated specifically, in sequence, and in behavioral or other terms that provide measurable indices of progress.
4. State an objective criteria and an evaluation procedure and schedule for determining whether the objectives and goals are being achieved.
5. Describe the personnel necessary for the provision of the services described in the plan.
6. Specify the date of initiation and the anticipated duration of each service to be provided.

SECTION 8. AMENDMENT. Section 25-01.2-18 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01.2-18. Authority to adopt rules. The director of the state department of human services may adopt, in accordance with chapter 28-32, any rules necessary to implement ~~the provisions of this chapter.~~ The superintendent of public instruction may adopt rules to implement this chapter in schools. The rules adopted may not restrict or limit the rights guaranteed by this chapter."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2187 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2307 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 3, delete the word "requisition" and insert in lieu thereof the word "acquisition"

On page 1, line 12, remove the overstrike over the words "~~compensation for exeesion~~"

On page 1, line 13, remove the overstrike over the word "~~agreements,~~"

On page 4, line 3, remove the overstrike over the word "~~operating~~"

On page 4, line 4, delete the words "acquisition and development"

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2307 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2319 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 15, after the word "activities", insert the following words: ", unless waived by mutual agreement of both parties"

On page 2, line 32, after the word "settlement", insert the following words: ", if that amount is greater than the original offer,"

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2319 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2322 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the words "for an Act to amend and reenact subsection 23 of section 20.1-01-02 and sections 20.1-01-17 and 20.1-01-19 of the North Dakota Century Code, relating to the definition of established road or trail and hunting on private land.

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

SECTION 1. AMENDMENT. Subsection 23 of section 20.1-01-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23. "Established road or trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress, or any other road or trail normally used for travel but does not include temporary trails across cultivated land used for agricultural purposes.

SECTION 2. AMENDMENT. Section 20.1-01-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-17. Posting of lands by owner or tenant to prohibit hunting - How posted - Signs defaced. Only the owner or tenant of any land may post it by placing signs alongside the public highway or the land giving notice that no hunting is permitted on the land. The name and address of the person posting the land ~~and the posting date~~ shall appear on each sign in legible characters. The signs shall be readable from the outside of the land and shall be placed conspicuously not more than ~~four~~ eight hundred ~~forty~~ eighty yards [~~492.34~~ 804.68 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of such signs at or on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land. No person shall in any manner deface, take down, or destroy posting signs.

SECTION 3. AMENDMENT. Section 20.1-01-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-01-19. When posted land may be entered. Any person may enter upon legally posted land to recover game shot or killed on land where he had a lawful right to hunt. When entering legally posted land to

recover game, the hunter's weapon must be left outside the posted area."

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2322 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2328 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2328 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2343 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2343 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2357 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2357 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2358 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, delete the word "From" and insert in lieu thereof the words "On state highways, from"

On page 1, line 22, after the underscored period insert the following sentence: "On county highways and subject to the approval of the board of county commissioners, from December first to March seventh the limitations on gross weight provided in this subsection may be exceeded by ten percent."

And renumber the lines accordingly

SEN. MUTCH, Chairman

SB 2358 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2418 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "section" and insert in lieu thereof the word "sections", and following the numeral "57-35-04" insert the word and numerals ", 57-35.1-02, and 57-35.2-02"

On page 1, line 2, delete the word "and" and insert in lieu thereof a comma

On page 1, line 3, after the word "companies" insert the words "and savings and loans"

On page 1, line 20, delete the word "five" and insert in lieu thereof the word "one"

On page 1, line 21, insert the following new sections:

"SECTION 2. AMENDMENT. Section 57-35.1-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-35.1-02. Imposition and basis of tax. An annual tax is hereby imposed upon each building and loan association, for the grant to it of the privilege of transacting, or for the actual transacting by it, of business within this state during any part of each tax year, ~~commencing January 1, 1961.~~ This tax is in lieu of all other taxes or impositions, state, county, and local, except motor vehicle fuel and special fuel taxes, sales and use taxes, including motor vehicle excise taxes, and taxes upon the real and personal property of any association, and shall be based upon and measured by the net income of each association for the preceding calendar year, but excluding the amount of income received from bonds for a project as provided for in chapters 21-03, 40-35, 40-36, and 40-57. The amount of the tax shall be computed by the tax commissioner at the rate of five percent of such net income. Regardless of such computation, the minimum tax assessable hereunder to any association shall be fifty dollars. The liability for the tax imposed by this chapter shall arise upon the first day of each calendar year following the year for which the net income is used as the base for measuring the tax. The income exempted from tax under this section shall not exceed one percent of the year-end deposits of such building and loan association.

SECTION 3. AMENDMENT. Section 57-35.2-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-35.2-02. Imposition and basis of tax. An annual tax is hereby imposed upon each bank, trust company, and building and loan association, for the grant to it of the privilege of transacting, or for the actual transacting by it, of business within this state during any part of each tax year, ~~commencing January 1, 1970.~~ The tax shall be based upon and measured by the net income of each bank, trust company, and building and loan association for the preceding calendar year, including the amount of income received from tax-exempt securities, but excluding the amount of income received from bonds for a project as provided for in ~~subsection 4 of section 40-57-03 chapters 21-03, 40-35, 40-36, and 40-57.~~ The amount of the tax shall be computed at a rate of two percent of such net income. The liability for the tax imposed by this chapter shall arise upon the first day of each calendar year following the year for which the net income is used as the base for measuring the tax. The income exempted from tax under this section shall not exceed one percent of the year-end deposits of such bank, trust company, or building and loan association."

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2418 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2463 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2463 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2469 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2469 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SCR 4019 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SCR 4019 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Judiciary to which was referred SCR 4022 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SCR 4022 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on State and Federal Government to which was referred SCR 4026 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4026 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on State and Federal Government to which was referred SCR 4027 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SCR 4027 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Industry, Business, and Labor to which was referred SCR 4028 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SCR 4028 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Industry, Business, and Labor to which was referred SCR 4034 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SCR 4034 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1046 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1046 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1048 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1048 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1194 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1194 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HCR 3008 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3008 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3039: A concurrent resolution to appoint an official photographer for the Forty-eighth Legislative Assembly, to set forth the photography order, and to authorize payment.

Was read the first time.

SEN. BAKEWELL MOVED that the rules be suspended, that HCR 3039 as printed on page 640 of the House Journal not be printed, not be referred to committee, but be placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3039: A concurrent resolution to appoint an official photographer for the Forty-eighth Legislative Assembly, to set forth the photography order, and to authorize payment.

Was read the second time.

#### ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Christensen; Naaden; Reiten

HCR 3039 was declared adopted.

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#### MOTIONS

SEN. PARKER MOVED that the Senate reconsider the action whereby SB 2264 lost, which motion prevailed.

SEN. PARKER MOVED that SB 2264 be laid over four legislative days, which motion prevailed.

SEN. TWETEN MOVED that SB 2457 be placed at the head of the calendar, which motion prevailed.

SEN. TWETEN REQUESTED the unanimous consent of the Senate to withdraw SB 2457. There being no objection, it was so ordered by the President.

SEN. LEE MOVED that SB 2487 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

SEN. LEE MOVED that SB 2487 be rereferred to the Committee on Transportation, which motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2193 as printed on page 501 of the Senate Journal, which motion prevailed.

SEN. LODOEN MOVED that the rules be suspended, that SB 2193 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2193: A BILL for an Act to amend and reenact section 6-09-04 of the North Dakota Century Code, relating to the powers of the industrial commission to appoint the president and other officers, employees, and agents of the Bank of North Dakota.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2193 passed and the title was agreed to.

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SB 2082: A BILL for an Act to amend and reenact section 57-39.2-04.1 of the North Dakota Century Code, relating to sales tax exemption for food and food products sold from vending machines.

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 2 YEAS, 50 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Todd

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

ABSENT AND NOT VOTING: Vosper

SB 2082 was declared lost.

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SB 2152: A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-19 of the North Dakota Century Code, relating to informal conference procedures.

Which has been read.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Barth

SB 2152 passed and the title was agreed to.

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SB 2157: A BILL for an Act to create and enact a new subsection to section 38-14.1-24 of the North Dakota Century Code, relating to auger mining; and to amend and reenact subsection 33 of section 38-14.1-02 of the North Dakota Century Code, relating to auger mining.

Which has been read.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2157 passed and the title was agreed to.

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SB 2271: A BILL for an Act to provide minimum conditions for a dual choice option between nonprofit health service

corporations or insurance companies and health maintenance organizations; to determine the payment of benefits for persons with continuous coverage; and to declare an emergency.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Moore

SB 2271 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2284: A BILL for an Act to amend and reenact sections 10-30-06, 10-30-08, and 10-30-09 of the North Dakota Century Code, relating to state development corporations.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2284 passed and the title was agreed to.

\*\*\*\*\*

SB 2324: A BILL for an Act to amend and reenact subsection 10 of section 38-18-05 and subsection 3 of section 38-18-06 of the North Dakota Century Code, relating to the definition of surface owner and the effect of a previously executed mineral lease or service lease in favor of the mineral developer.

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

MOTION

SEN. MAIXNER MOVED that SB 2324 be amended as follows:

On page 1, line 1, after the word "Act" insert the words "to create and enact a new subsection to section 38-18-05 of the North Dakota Century Code, relating to the definition of surface agreement under the Surface Owner Protection Act; and"

On page 1, after line 7, insert the following new section:

"SECTION 1. A new subsection to section 38-18-05 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Surface agreement" means any document which purports to convey the right to mine a specified tract of land, and is executed by a surface owner or the surface owner's predecessor in title."

On page 1, line 11, remove the overstrike over the word "~~presently~~"

On page 1, line 12, remove the overstrike over the words "~~have valid title to the surface of the land~~"

On page 1, line 15, delete the underscored colon and insert in lieu thereof an underscored period

On page 1, delete lines 16 through 25

On page 2, line 13, after the period insert the words "Any previously executed mineral lease in favor of the mineral developer, the mineral developer's successors, assigns, or predecessors in title shall run with the mineral estate and be binding upon

subsequent mineral owners. Any previously executed surface agreement in favor of the mineral developer, the mineral developer's successors, assigns, or predecessors in title shall run with the surface estate and shall be binding upon subsequent surface owners."

And renumber the lines, sections, and pages accordingly

MOTION

SEN. MAIXNER MOVED that the proposed amendments be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Fritzell; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Vosper; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Grotberg; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2324 was declared lost.

\*\*\*\*\*

SB 2329: A BILL for an Act to regulate businesses that provide recovery and towing with storage operations; to provide for possessory liens, foreclosure and salvage disposal, private trespass towing, and the reporting of unclaimed vehicles by towers; and to provide a penalty.

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

ROLL CALL

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

YEAS: Barth; Fritzell; Grotberg; Heigaard; Holmberg; Lips; Maixner; Olson; Peterson; Stenehjem; Tallackson; Tennefos; Thane; Tweten; Wenstrom; Wright

**NAYS:** Adams; Bakewell; Berube; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Redlin; Reiten; Satrom; Streibel; Stromme; Todd; Vosper; Waldera; Walsh; Wogsland

**ABSENT AND NOT VOTING:** Christensen; Lee

SB 2329 was declared lost.

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**MESSAGE TO THE HOUSE  
SENATE CHAMBER**

**MADAM SPEAKER:** I have the honor to inform you that the Senate has concurred in the House amendment to SB 2193, and subsequently passed the same.

Very respectfully,  
LEO LEIDHOLM, Secretary

**SECOND READING OF SENATE BILLS**

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 19-20.1 of the North Dakota Century Code, relating to the liability of the state; and to amend and reenact sections 19-20.1-03.2 and 19-20.1-04 of the North Dakota Century Code, relating to the proof of effectiveness and labeling requirements for an applicant seeking to register and/or license a fertilizer or soil amendment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Barth; Berube; Dotzenrod; Erickson; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Parker; Redlin; Satrom; Streibel; Stromme; Tallackson; Todd; Waldera; Wenstrom; Wogsland

**NAYS:** Adams; Bakewell; David; Dykshoorn; Fritzell; Goodman; Holmberg; Kilander; Lodoen; Moore; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Tennefos; Thane; Tweten; Vosper; Walsh; Wright

**ABSENT AND NOT VOTING:** Christensen; Lee

SB 2337 passed and the title was agreed to.

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SB 2345: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to a beginning farmer loan guarantee program to be administered by the Bank of North Dakota; and to repeal sections 54-17-29, 54-17-30, and 54-17-31 of the North Dakota Century Code, relating to an industrial commission loan guarantee program for seller-sponsored loans between landowners and beginning farmers, the procedure on default of a guaranteed loan, and the establishment and maintenance of an adequate guarantee fund through an appropriation from the lands and minerals trust.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Fritzell

ABSENT AND NOT VOTING: Christensen; Lee

SB 2345 passed and the title was agreed to.

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SB 2347: A BILL for an Act to amend and reenact subdivision m of subsection 1 of section 57-38-01.2, subsection 2 of section 57-38-67, and section 57-38-70 of the North Dakota Century Code, relating to definition of a beginning farmer and terms of qualifying contracts for deed.

Which has been read.

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Christensen; Lee

SB 2347 passed and the title was agreed to.

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SB 2356: A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, relating to annual payments and the taking of rental interest under eminent domain.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Holmberg; Naaden; Thane; Vosper; Wenstrom

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

ABSENT AND NOT VOTING: Christensen; Lee

SB 2356 was declared lost.

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SB 2375: A BILL for an Act to amend and reenact subsection 7 of section 4-34-02 and sections 36-01-01, 36-01-30, 36-05-10, 36-09-23, 36-22-02, 36-22-03, 36-22-04, 36-22-05, 36-22-06, 36-22-07, 36-22-08, and 36-22-09 of the North Dakota Century Code, relating to the department of agriculture's authority over brand inspections.

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

## ROLL CALL

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

YEAS: Barth; Berube; Krauter

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

ABSENT AND NOT VOTING: Christensen; Lee

SB 2375 was declared lost.

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SB 2389: A BILL for an Act to amend and reenact sections 61-04.1-06, 61-04.1-24, 61-04.1-26, 61-04.1-32, and 61-04.1-40 of the North Dakota Century Code, relating to mill levy for weather modification authorities.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 37 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nething; Olson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Walsh; Wenstrom; Wright

NAYS: Adams; David; Dotzenrod; Dykshoorn; Moore; Naaden; Nelson; Parker; Peterson; Tennefos; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: Christensen; Lee; Mutch

SB 2389 passed and the title was agreed to.

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## MOTION

SEN. NOTHING MOVED that SB 2417 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2420: A BILL for an Act to amend and reenact subdivision o of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for individuals and fiduciaries.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Fritzell; Goodman; Grotberg; Hilken; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

NAYS: Barth; Berube; Erickson; Heigaard; Miller Heinrich; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Parker; Stenehjem; Tallackson; Walsh; Wenstrom

ABSENT AND NOT VOTING: None

SB 2420 passed and the title was agreed to.

\*\*\*\*\*

SB 2424: A BILL for an Act to amend and reenact section 35-01-04 of the North Dakota Century Code, relating to creation of liens secured by purchase money security interests.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2424 passed and the title was agreed to.

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MOTION

SEN. HOLMBERG MOVED that SB 2430 be referred back to the Committee on Political Subdivisions, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2465: A BILL for an Act to provide for a ten-mill levy, in addition to any levies authorized by law, for organized or unorganized townships for purposes of a legal contingency fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wenstrom; Wogsland; Wright

NAYS: David; Grotberg; Hilken; Meyer, D.; Meyer, J.; Moore; Mutch; Vosper; Walsh

ABSENT AND NOT VOTING: Goodman; Leibhan

SB 2465 passed and the title was agreed to.

\*\*\*\*\*

SB 2484: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, to provide an income tax credit for devices to convert certain vehicles to use alcohol fuel; to provide an expiration date; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 6 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Goodman; Maixner; Parker; Thane; Tweten; Vosper

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

**ABSENT AND NOT VOTING:** Leibhan; Tallackson

SB 2484 was declared lost.

\*\*\*\*\*

**SB 2485:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, to provide that educational organizations need no license to conduct raffles in which the value of the primary prize does not exceed one thousand dollars and the aggregate value of prizes does not exceed two thousand dollars.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 11 YEAS, 41 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Barth; Heigaard; Miller Heinrich; Hilken; Krauter; Maixner; Meyer, J.; Satrom; Tallackson; Tennefos; Wogsland

**NAYS:** Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Holmberg; Kilander; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

**ABSENT AND NOT VOTING:** Goodman

SB 2485 was declared lost.

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**SB 2488:** A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code to provide for regularly scheduled special sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 23 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

SB 2488 was declared lost.

\*\*\*\*\*

SB 2490: A BILL for an Act relating to residential preference on public contracts, to define certain terms, and to establish certain requirements for qualification; to repeal sections 44-08-01 and 44-08-02 of the North Dakota Century Code, relating to preference to North Dakota bidders and sellers; and to provide a penalty.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 6 YEAS, 45 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Hilken; Lee; Mutch; Parker; Tweten

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

ABSENT AND NOT VOTING: Heigaard; Redlin

SB 2490 was declared lost.

\*\*\*\*\*

SB 2491: A BILL for an Act to amend and reenact section 2-06-10 of the North Dakota Century Code, relating to issuance of general obligation bonds for airport authorities; and providing that this Act does not affect transactions occurring before the effective date of this Act; 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, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard

SB 2491 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2417: A BILL for an Act to create and enact chapter 38-13.1 of the North Dakota Century Code, relating to civil suits for damage to ground water supplies resulting from energy exploration and production; and to amend and reenact section 38-11.1-06 of the North Dakota Century Code, relating to the responsibilities of mineral developers for damages resulting from oil exploration and production.

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

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 37 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; David; Dotzenrod; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Satrom; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Barth; Christensen; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Heigaard

SB 2417 was declared lost.

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SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution requesting the Congress of the United States to propose an amendment to the Constitution of the United States providing protection for all human life, and expressing support for other legislation to protect life.

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

SEN. WRIGHT REQUESTED a recorded roll call vote on the adoption of SCR 4025, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Holmberg; Krauter; Lee; Leibhan; Lips; Maixner; Moore; Mutch; Naaden; Nelson; Nething; Parker; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Wenstrom; Wogsland

NAYS: Bakewell; Fritzell; Grotberg; Miller Heinrich; Hilken; Kilander; Kusler; Lashkowitz; Lodoen; Matchie; Meyer, D.; Meyer, J.; Olson; Peterson; Redlin; Satrom; Todd; Waldera; Walsh; Wright

ABSENT AND NOT VOTING: Heigaard

SCR 4025 was declared adopted.

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FIRST READING OF HOUSE BILLS

HB 1054: A BILL for an Act to create and enact chapters 26.1-01, 26.1-02, 26.1-03, 26.1-04, 26.1-05, 26.1-06, 26.1-07, 26.1-08, 26.1-09, 26.1-10, 26.1-11, 26.1-12, 26.1-13,

26.1-14, 26.1-15, 26.1-16, 26.1-17, 26.1-18, 26.1-19, 26.1-20, 26.1-21, 26.1-22, 26.1-23, 26.1-24, and 26.1-25 of the North Dakota Century Code, relating to the commissioner of insurance; insurance company general provisions, examinations and reports and the premium tax, prohibited practices, organization and operation, takeover bids, and consolidation, reinsurance, and dissolution; comprehensive health association; reciprocal or interinsurance exchanges; insurance holding company systems; foreign insurance companies; incorporated mutual companies; county mutual insurance companies; medical malpractice mutual insurance company; fraternal benefit societies; benevolent societies; nonprofit health service corporations; health maintenance organizations; prepaid legal service organizations; title insurance companies; state bonding fund; state fire and tornado fund; state unsatisfied judgment fund; the insurance premium; and fire, property, and casualty insurance rates; to repeal sections 6-05-19, 6-05-20, 6-05-21, 6-05-22, 6-05-23, 6-05-24, 6-05-30, 6-05-31, 6-05-32, 6-05-33, chapters 26-01 and 26-04, section 26-05-02, chapters 26-07, 26-08, 26-09, 26-09.1, sections 26-10-02, 26-10-03, 26-10-04, 26-10-05, 26-10-09, 26-10-10, 26-10-11, 26-10-13.1, 26-10-14, 26-10-15, 26-10-16, chapters 26-11, 26-12, 26-14, 26-15, 26-16, 26-16.1, sections 26-17.1-50, 26-17.1-51, 26-17.1-52, 26-17.1-53, 26-18-01, 26-18-02, 26-18-12, chapters 26-20, 26-21, 26-21.1, 26-21.2, 26-23, 26-24, 26-25, 26-26, 26-27, 26-27.1, 26-27.2, 26-27.3, 26-28, 26-29, 26-30, 26-32, 26-37, 26-38, 26-40, and 39-17 of the North Dakota Century Code, relating to insurance; to provide penalties; and to provide an effective date and for transition.

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

**HB 1055:** A BILL for an Act to create and enact section 26-18-13 of the North Dakota Century Code, relating to termination of fire and casualty insurance agency contracts; and to amend and reenact sections 4-36-26, 6-03-48, 6-05-01, 6-05-04, 6-05-08, 6-09.2-10, 6-09.4-15, 7-04-09, 10-30-14, subsection 14 of section 15-10-17, section 15-55-08, subsection 1 of section 23-17.2-03, sections 26-02-46, 26-03-39.3, 26-03-42, 26-03-48.1, subsection 2 of section 26-03.5-02, sections 26-09.2-06, 26-17.1-13, 26-17.1-16, 26-17.1-22, 26-39-02, 26-39-05, 37-03-13, 40-24-19, 40-33.2-10, 40-38.1-07, 40-58-11, 40-61-13, 43-13-31, 54-52-09, subsection 5 of section 54-52.1-01, and sections 54-52.1-10, 61-02-68.13, and 61-02-72 of the North Dakota Century Code, relating to references to insurance, insurance companies, and insurance laws.

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

**HB 1153:** A BILL for an Act to amend and reenact section 27-07.1-02 of the North Dakota Century Code, relating to

multicounty agreements to share the services of a county judge.

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

**HB 1165:** A BILL for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to transient merchants.

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

**HB 1238:** A BILL for an Act to create and enact subsections 4 and 5 to section 26-02-32, sections 26-02-38.1, 26-02-38.2, 26-02-38.3, 26-02-47, 26-02-48, 26-02-49, 26-02-50, 26-02-51, 26-02-52, 26-02-53, 26-02-54, 26-02-55, 26-02-56, 26-02-57, 26-02-58, 26-02-59, and 26-02-60 of the North Dakota Century Code, relating to the declination, termination, and cancellation of property and casualty insurance policies; and to amend and reenact sections 26-02-33, 26-02-34, 26-02-35, 26-02-36, and 26-02-38 of the North Dakota Century Code, relating to the declination, termination, and cancellation of automobile insurance policies; and to provide a penalty.

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

**HB 1278:** A BILL for an Act to amend and reenact sections 12.1-20-04 and 12.1-20-05 of the North Dakota Century Code, relating to the penalty for sex crimes involving a minor.

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

**HB 1288:** A BILL for an Act to provide a referendum on the dairy products promotion assessment; and to amend and reenact section 4-27-01, subsection 4 of section 4-27-02, subsection 1 of section 4-27-03, section 4-27-04, subsections 3 and 7 of section 4-27-05, sections 4-27-06, 4-27-07, 4-27-08, 4-27-09, and 4-27-11 of the North Dakota Century Code, relating to the promotion and sale of state dairy products, the state dairy promotion commission, the commission's purposes, the collection and disbursement of commission funds, the assessments on milk and a referendum regarding that assessment, and administration.

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

**HB 1307:** A BILL for an Act to require that certain information be provided with any payment made to a royalty owner for the purchase of oil or gas produced from a royalty owner's interest in land in this state; to provide a penalty; and to declare an emergency.

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

HB 1318: A BILL for an Act to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to exemptions from the use tax.

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

HB 1325: A BILL for an Act to amend and reenact sections 6-06-04, 6-06-11, 6-06-15, 6-06-19, 6-06-21, and 6-06-27 of the North Dakota Century Code, relating to approval of bylaws by directors or members, supervisory and credit committees for credit unions, borrowing by a corporate central credit union, risk assets of credit unions and expulsion of members of credit unions.

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

HB 1344: A BILL for an Act to amend and reenact section 11-18-19 of the North Dakota Century Code, providing for reasonable attorney fees and costs in suits for damages to buried transmission facilities.

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

HB 1349: A BILL for an Act to repeal section 57-38-36 of the North Dakota Century Code, relating to payment of tax in quarterly installments; and to provide an effective date.

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

HB 1356: A BILL for an Act to amend and reenact section 16.1-10-04.1 of the North Dakota Century Code, relating to disclosing the name of a sponsor on certain political advertisements.

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

HB 1422: A BILL for an Act to amend and reenact sections 28-24-02, 28-24-03, 28-24-06, 28-24-07, and 28-24-10 of the North Dakota Century Code, relating to redemption of real estate by the judgment debtor or redemptioner during the period of redemption, protection of the purchaser, and notice of additional lien during the period of redemption.

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

HB 1433: A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to supplementary workmen's compensation benefits.

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

HB 1484: A BILL for an Act to amend and reenact section 65-12-11 of the North Dakota Century Code, relating to boiler inspection fees.

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

HB 1505: A BILL for an Act to amend and reenact subsection 3 of section 6-08-16 and subsection 4 of section 6-08-16.2 of the North Dakota Century Code, relating to time limitations for prosecution for issuance of checks without sufficient funds.

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

HB 1547: A BILL for an Act to amend and reenact section 27-20-10 of the North Dakota Century Code, relating to statements made during informal adjustment under the Uniform Juvenile Court Act.

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

HB 1580: A BILL for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to the date for school elections.

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

HB 1595: A BILL for an Act to amend and reenact sections 43-04-22, 43-04-24, and 43-04-31 of the North Dakota Century Code, relating to the supervision of apprentice barbers, the hours and course of study of a barbering school, and the length of time an apprentice barber must serve under a registered barber.

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

HB 1610: A BILL for an Act to provide for cooperative agreements between state agencies and institutions and political subdivisions; and to provide a continuing appropriation of any moneys collected for a political subdivision.

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

HB 1660: A BILL for an Act to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to the liability of lessees of public land when the lease allows public access.

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

HB 1722: A BILL for an Act authorizing the state board of higher education to accept a multipurpose regional facility for the operation and maintenance of the multipurpose regional facility at Dickinson state college.

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

#### MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2250, SB 2308,

SB 2328, SB 2343, SB 2357, SB 2400, SB 2414, SB 2432, SB 2444, SB 2450, SB 2463, SB 2469, SB 2473, SCR 4019, SCR 4022, SCR 4026, SCR 4027, SCR 4028, SCR 4034, HB 1046, HB 1048, HB 1069, HB 1074, HB 1076, HB 1111, HB 1113, HB 1123, HB 1154, HB 1194, and HCR 3008, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 8, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary