

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

\* \* \* \* \*

TWENTY-SECOND DAY

Bismarck, February 6, 1985

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

The prayer was offered by Reverend Tom Stark, Central Christian Church, Bismarck.

Let us pray: Almighty God, our Heavenly Father, we bow before You today because You are the supreme legislator. Your laws are immutable and they are universal.

Father, we thank You that Your laws were born from Your divine heart filled with love, compassion, and mercy.

May our state Senate function with the same motivations. Grant this legislative body a God-like sensitivity to the needs of their fellow citizens. May they have wisdom, the wisdom from Above, to distinguish genuine needs from self-seeking demands.

It is because these elected decisionmakers affect the lives of all who live in our great state that we lift them up to You today, Father.

Bless them, guide them, and help them to see the need to submit to Your authority as we in turn must submit to theirs. We recognize that this is according to Your blueprint for establishing and maintaining law and order.

We seek these blessings and ask for them in the name that's above all others, in the name of Christ Jesus, we pray, Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. DAVID, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2227, SB 2303, SB 2307, SB 2337, SB 2339, SB 2340,  
SB 2344, SB 2372, SB 2377, SB 2393, SCR 4024

SEN. BAKEWELL, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SB 2126, SB 2194, SB 2259, SB 2279, SB 2310, SB 2354,  
SB 2359, SB 2395, SB 2399

LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1061

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1079, HB 1111, HB 1157, HB 1159, HB 1163, HB 1165,  
HB 1183, HB 1205, HB 1206, HB 1207, HB 1251, HB 1278,  
HB 1284, HB 1285, HB 1304, HB 1306, HB 1311, HB 1335,  
HB 1343, HB 1346, HB 1352

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1411, HB 1428, HB 1441, HB 1448, HB 1470, HB 1488,  
HCR 3010, HCR 3019, HCR 3023

ROY GILBREATH, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to SB 2039 as recommended by the Committee on Industry, Business and Labor as printed on page 510 of the Senate Journal be adopted, and when so adopted, recommends that SB 2039 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2065 as recommended by the Committee on Education as printed on pages 510-511 of the Senate Journal be adopted, and when so adopted, recommends that SB 2065 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2206 as recommended by the Committee on Education as printed on page 511 of the Senate Journal be adopted, and when so adopted, recommends that SB 2206 DO PASS, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2257 as recommended by the Committee on Finance and Taxation as printed on page 512 of the Senate Journal be adopted, and when so adopted, recommends that SB 2257 DO PASS, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2281 as recommended by the Committee on Finance and Taxation as printed on pages 512-513 of the Senate Journal be adopted, and when so adopted, recommends that SB 2281 DO PASS, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2345 as recommended by the Committee on Finance and Taxation as printed on pages 513-514 of the Senate Journal be adopted, and when so adopted, recommends that SB 2345 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2360 as recommended by the Committee on Political Subdivisions as printed on pages 514-515 of the Senate Journal be adopted, and when so adopted, recommends that SB 2360 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2364 as recommended by the Committee on Political Subdivisions as printed on page 515 of the Senate Journal be adopted, and when so adopted, recommends that SB 2364 DO PASS, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill for an Act to amend and reenact section 28-27-02 of the North Dakota Century Code, relating to court orders that are reviewable by the supreme court; and a bill that would allow the centennial commission to sell commemorative centennial license plates, to suspend the requirement of two license plates on certain motor vehicles during the issuance of the commemorative license plates, to authorize the motor vehicle registrar to contract to obtain the commemorative plates, and to provide an appropriation.

SEN. TENNEFOS, Chairman

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

#### FIRST READING OF SENATE BILLS

Sens. Wenstrom, Maixner, Bakewell introduced:

(Approved by the Committee on Delayed Bills)

SB 2505: A BILL for an Act to amend and reenact section 28-27-02 of the North Dakota Century Code, relating to court orders that are reviewable by the supreme court.

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

Sens. Nething, Heigaard and Reps. Strinden, Mertens introduced:

(Approved by the Committee on Delayed Bills)

SB 2506: A BILL for an Act to allow the North Dakota centennial commission to sell commemorative centennial license plates, to suspend the requirement of two license plates on certain motor vehicles during the issuance of the commemorative license plates, and to authorize the motor vehicle registrar to contract to obtain the commemorative license plates; and to provide an appropriation.

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

#### SECOND READING OF SENATE BILLS

SB 2406: A BILL for an Act to create and enact two new subsections to section 6-01-02 and a new section to chapter 6-02 of the North Dakota Century Code, relating to definitions of national banks and financial institutions and qualifications of banks; and to amend and reenact subsection 2 of section 6-01-02 of the North Dakota Century Code, relating to the definition of banks.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2406 passed and the title was agreed to.

\*\*\*\*\*

SB 2426: A BILL for an Act to amend and reenact subsection 3 of section 26-02-47 and subsection 1 of section 26-02-54 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 3 of section 26.1-39-10 and subsection 1 of section 26.1-39-16 of the North Dakota Century Code as created in Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to declination, cancellation, and nonrenewal of medical and legal liability insurance coverage.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2426 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4027: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

Which has been read.

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

SCR 4027 was declared adopted on a voice vote.

\*\*\*\*\*

SCR 4030: A concurrent resolution directing the Legislative Council to study the Bank of North Dakota's loan programs.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4030 was declared adopted on a voice vote.

\*\*\*\*\*

#### SECOND READING OF SENATE BILLS

SB 2037: A BILL for an Act to transfer moneys from the accumulated and undivided profits of the North Dakota mill and elevator association to the general fund of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Dotzenrod; Kelsh; Langley; Maixner

ABSENT AND NOT VOTING: None

SB 2037 passed and the title was agreed to.

\*\*\*\*\*

SB 2090: A BILL for an Act making an appropriation to the legislative assembly for the refinishing of woodwork and improvements to the state capitol; and declaring an emergency.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken;

Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2090 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2105: A BILL for an Act to create and enact a new section to chapter 36-21 of the North Dakota Century Code, relating to liability of dog owner for dog's actions.

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 12 YEAS, 39 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Meyer, D.; Meyer, W.; Naaden; Satrom; Tallackson; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Dotzenrod; Peterson

SB 2105 was declared lost.

\*\*\*\*\*

SPECIAL ORDER OF BUSINESS

President Meiers announced the participants in the 1984 Scouting Report to the Governor, which was held this noon at the Bismarck Rotary Club meeting.

The following Scouts are from around our State, and their escorts today are Bob Peterson, Vice President of the Northern Lights

Council of North Dakota, part of South Dakota, Montana and part of Minnesota, and Bob Schaible, Scoutmaster, Troop 11, Bismarck, North Dakota:

Life Scout - Joe Kraft, Ryder, North Dakota  
 Cub Scout - Brian Inman, Bismarck, North Dakota  
 Explorer - Tad Pritchett, Bismarck, North Dakota  
 Life Scout - Darrell Scott, Williston, North Dakota  
 Explorer - Yolanda O'Brien, Bismarck, North Dakota  
 Life Scout - Jason Bunch, Hettinger, North Dakota  
 Cub Scout - Michael Drong, Lisbon, North Dakota

#### SECOND READING OF SENATE BILLS

SB 2227: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of disability benefits upon imprisonment in a penal institution.

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 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Ereborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2227 passed and the title was agreed to.

\*\*\*\*\*

SB 2303: A BILL for an Act to create and enact a new section to chapter 23-13 of the North Dakota Century Code, relating to smoke detection systems in residential rental property; and to amend and reenact section 23-13-04 of the North Dakota Century Code, relating to the construction of doors of public buildings; and to provide a penalty.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Mutch; Tallackson; Wright

ABSENT AND NOT VOTING: None

SB 2303 passed and the title was agreed to.

\*\*\*\*\*

SB 2337: A BILL for an Act to amend and reenact section 40-12-03 of the North Dakota Century Code, relating to the requirements for petitions initiating or referring municipal ordinances.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2337 passed and the title was agreed to.

\*\*\*\*\*

**SB 2339:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the term of office of members of the state livestock sanitary board.

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, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Langley

ABSENT AND NOT VOTING: None

SB 2339 passed and the title was agreed to.

\*\*\*\*\*

**SB 2340:** A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to police powers of livestock brand inspectors.

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; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kusler; Langley; Lashkowitz; Lips; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Parker; Peterson; Reiten; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; David; Dotzenrod; Heigaard; Heinrich; Kilander; Krauter; Lodoen; Maixner; Nelson; Nething; Olson; Redlin; Satrom; Stenehjerm; Tweten; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2340 passed and the title was agreed to.

\*\*\*\*\*

#### EXPLANATION OF VOTE

SEN. MAIXNER: Madam President, I rise to explain my vote. My vote against SB 2340 is an expression of my concern about granting police powers to essentially a private organization's appointees.

#### SECOND READING OF SENATE BILLS

SB 2344: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for minors in possession of alcoholic beverages and for entering licensed premises where alcoholic beverages are sold.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Parker; Tweten; Walsh

ABSENT AND NOT VOTING: None

SB 2344 passed and the title was agreed to.

\*\*\*\*\*

SB 2350: A BILL for an Act to amend and reenact section 57-24-17 of the North Dakota Century Code, relating to who may purchase real property at a tax sale.

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, 47 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Satrom; Shea; Vosper; Waldera; Walsh

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2350 was declared lost.

\*\*\*\*\*

SB 2356: A BILL for an Act to create and enact a new paragraph to subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an adjustment to taxable income for adoption of a child; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Freborg; Kelly; Kilander; Tweten

ABSENT AND NOT VOTING: None

SB 2356 passed and the title was agreed to.

\*\*\*\*\*

SB 2372: A BILL for an Act to amend and reenact subsection 13 of section 11-11-14 and subsection 10 of section 58-06-01 of the North Dakota Century Code, relating to the authority of boards of county commissioners and boards of township supervisors to grant rights of way for water or wastewater systems; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2372 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2377: A BILL for an Act to amend and reenact section 24-03-05 of the North Dakota Century Code, relating to closing of roads and penalty for passing over a closed road or removing a barricade.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2377 passed and the title was agreed to.

\*\*\*\*\*

SB 2384: A BILL for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit and farm structures exempt from taxation; and to provide an effective date.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wright

NAYS: Berube; Hilken; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Shea; Stromme; Tweten; Vosper; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2384 passed and the title was agreed to.

\*\*\*\*\*

SB 2393: A BILL for an Act to create and enact a new subsection to section 11-18-03 of the North Dakota Century Code, relating to recording of instruments by the register of deeds.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Peterson

SB 2393 passed and the title was agreed to.

\*\*\*\*\*

SB 2409: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of farm structures from property taxes; and to provide an effective date.

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, 3 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Langley; Lips; Peterson

ABSENT AND NOT VOTING: None

SB 2409 passed and the title was agreed to.

\*\*\*\*\*

SB 2416: A BILL for an Act to amend and reenact section 44-08-04.2 of the North Dakota Century Code, relating to travel advances for state officers and employees.

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, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme;

Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Wenstrom; Wogsland; Wright

NAYS: Adams; Walsh

ABSENT AND NOT VOTING: None

SB 2416 passed and the title was agreed to.

\*\*\*\*\*

SB 2425: A BILL for an Act to amend and reenact sections 12.1-16-01 and 12.1-16-02 of the North Dakota Century Code, relating to the penalties for murder and manslaughter.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2425 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution urging the President of the United States, the Secretary of Agriculture, and the members of the North Dakota Congressional Delegation to make a united effort to bring the farm credit crisis, the need for full agricultural parity, and the need for a balanced federal budget to the attention of elected officials.

Which has been read.

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

SCR 4024 was declared adopted on a voice vote.

\*\*\*\*\*

**SECOND READING OF A HOUSE CONCURRENT RESOLUTION**

HCR 3005: A concurrent resolution urging the Congress of the United States to appropriate sufficient moneys to pay 100 percent of the payments in lieu of taxes under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3005 was declared adopted on a voice vote.

\*\*\*\*\*

**SECOND READING OF HOUSE BILLS**

HB 1214: A BILL for an Act to amend and reenact subsection 3 of section 57-15-56 of the North Dakota Century Code, relating to the vote required to authorize a tax levy for programs and activities for senior citizens.

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 28 YEAS, 25 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie; Mushik; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Tallackson; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Kelly; Kilander; Langley; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Shea; Streibel; Stromme; Tennifer; Thane; Tweten

ABSENT AND NOT VOTING: None

HB 1214 passed and the title was agreed to.

\*\*\*\*\*

HB 1248: A BILL for an Act to amend and reenact subsection 9 of section 57-43.2-01 and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to imposition of special fuels taxes upon sales of compressed natural gas.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**NAYS:** None

**ABSENT AND NOT VOTING:** None

HB 1248 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

SEN. OLSON MOVED that SB 2288 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

#### REQUEST

SEN. OLSON REQUESTED the unanimous consent of the Senate to withdraw SB 2288. There being no objection, it was so ordered by the President.

#### MOTION

SEN. MUTCH MOVED that SB 2225 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

#### REQUEST

SEN. MUTCH REQUESTED the unanimous consent of the Senate to withdraw SB 2225. There being no objection, it was so ordered by the President.

#### REPORTS OF STANDING COMMITTEES

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2026 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 17, delete the numerals "37,500" and insert in lieu thereof the numerals "12,500"

On page 1, line 20, delete the numerals "5,163,798" and insert in lieu thereof the numerals "5,138,798"

And renumber the lines accordingly

SEN. LIPS, Chairman

SB 2026 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2030 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 13, delete the numerals "362,222" and insert in lieu thereof the numerals "480,298"

On page 1, line 14, delete the numerals "235,682" and insert in lieu thereof the numerals "307,079"

On page 1, line 15, delete the numerals "313,826" and insert in lieu thereof the numerals "336,726"

On page 1, line 16, delete the numerals "2,542" and insert in lieu thereof the numerals "5,735"

On page 1, line 17, delete the numerals "63,000" and insert in lieu thereof the numerals "75,000"

On page 1, line 18, delete the numerals "977,272" and insert in lieu thereof the numerals "1,204,838"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The Teachers' Fund for Retirement appropriation is increased by adding \$118,076 to salaries and wages, \$71,397 to operating expenses, \$22,900 to data processing, \$3,193 to equipment, and \$12,000 to contingency for a total increase of \$227,566. The salaries and wages increase is to provide \$41,046 for 1 FTE account technician II, \$34,630 for 1 FTE information processing operator I, \$35,000 for a .5 FTE programmer/analyst, and \$7,400 for reclassification of an accountant II position to accountant III. The operating expenses increase is to provide \$26,000 for office relocation rental cost, \$25,000 for additional travel to attend seminars, \$2,826 for three telephones for new positions, \$2,620 for professional development dues, \$1,534 for utilities, \$5,622 for increased postage rates, \$572 for telephone service, \$1,380 for janitorial service, \$1,500 for supplies, \$643 for resource and reference material, and \$3,700 for insurance fee increase. The data processing increase is to provide \$22,900 for three display terminals for new positions. The equipment increase is to provide \$3,193 for furniture and equipment for new

positions. The contingency fund increase of \$12,000 is to provide funds to continue the present level of \$75,000.

SEN. LIPS, Chairman

SB 2030 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2049 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2049 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2053 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2053 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2063 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, after the words "A BILL for an Act" delete the remainder of the bill and insert in lieu thereof the following: "to create and enact section 15-40.2-08.1 of the North Dakota Century Code, relating to the payment of tuition for handicapped children placed outside their school districts of residence for purposes other than education; and to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments for foster care students placed outside their school districts of residence.

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

SECTION 1. AMENDMENT. Section 15-40.2-08 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-08. Residency determination and the payment of tuition in cases of foster care child placement placements for purposes other than education. For purposes of applying this chapter, the school district in which a child resides shall be construed to be the district of residence of such child:

1. At the time any court order or order of a juvenile supervisor shall have been issued requiring such child to stay for any prescribed period at a foster home, or home maintained by any nonprofit corporation, or any referrals made from a state-operated institution;
2. At the time of any placement for any prescribed period of time by a county or state social service agency with the consent of the parent or guardian at a foster home or home maintained by any nonprofit corporation; or
3. At the time of any voluntary admission to a state-licensed child care home or agency.

Such district of residence shall be liable for tuition upon claim of the admitting district; provided, that both the district of residence and the admitting district be notified of the placement, admission, or court order at the time the same is ordered. Notification shall be made by the placement agency. Where the parent or parents of the child were residents of the district at the time of placement under subsections 1 through 3, but such parent or both parents have subsequently moved elsewhere, so that there is no parent residing in said district of residence, then the tuition and excess cost due the admitting district shall be paid by the state from funds appropriated by the legislative assembly for the foundation aid program. If the child is handicapped or otherwise requires special education or related services approved by the director of special education, the district of residence shall be liable to pay the admitting district as part of the cost of educating such student an amount for the school year equal to two and one-half times the state average per-pupil elementary or high school cost, depending on whether the enrollment would be in a grade or high school department; provided, that such payment may not exceed the actual per-pupil cost incurred by the admitting district. The remainder of the actual cost of educating the handicapped student not covered by other payments or credits shall be paid from funds provided to the department of public instruction by the legislative assembly for special education. If the handicapped child does not have a parent or legal guardian residing in North Dakota, the state shall pay the cost of tuition and the excess educational costs. In the event of a voluntary admission to any state-licensed child care home or agency, the determination of tuition may be subject to an appeal filed with the county superintendent of schools. The three-member committee referred to in section 15-40.2-05, shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition

charges. Those provisions of section 15-40.2-05 relating to multicounty districts, notification of unpaid tuition, and withholding of state payments apply to this section.

**SECTION 2.** Section 15-40.2-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-40.2-08.1. Payment of tuition in cases of handicapped children placed for purposes other than education.

1. The payment of tuition in cases of handicapped children placed outside their school districts of residence for purposes other than education shall be made by the state:
  - a. When the placement is made for any prescribed period of time by a county or state social service agency or a regional human service center at a state-licensed child care home or agency;
  - b. When the placement is made from a state-operated institution; or
  - c. When the placement is made pursuant to an order of any state court, tribal court, or a juvenile supervisor which requires a child to stay for any prescribed period of time at a state-licensed child care home or agency.
2. The state is liable for tuition upon claim of the receiving school district; provided, that both the state and the receiving school district are notified of the placement by the placement agency, institution, or court. The tuition and excess cost due the receiving school district shall be paid directly to the receiving school district by the state from funds appropriated by the legislative assembly for the foundation aid program. The actual cost of educating the handicapped student not covered by other payments or credits shall be paid directly to the receiving school district from funds appropriated by the legislative assembly for the foundation aid program.
3. In the event of a voluntary admission to any state-licensed child care home or agency, the determination of tuition may be subject to an appeal filed with the county superintendent of schools. The three-member committee referred to in section 15-40.2-05, shall within fifteen days

consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition charges. Those provisions of section 15-40.2-05 relating to multicounty districts, notification of unpaid tuition, and withholding of state payments apply to this section.

4. As used in this section, the term "receiving school district" means a school district in which services are provided other than the district of a child's residence."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2063 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2064 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2064 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2110 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 13, after the first comma, insert the words "at least ten days"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2110 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2130 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the word "an" and insert in lieu thereof the words "a continuing"

On page 1, line 7, delete the period and words ". A revolving printing"

On page 1, delete lines 8 through 17 and insert in lieu thereof the following: "- APPROPRIATION. All moneys collected by the superintendent of public instruction as payment from schools for instructional materials developed and printed by the superintendent of public instruction shall be paid into the revolving printing fund of the state treasury. The instructional materials may be purchased by schools at cost. All moneys deposited to the revolving printing fund are hereby appropriated. If on the first day of July in any year the amount of money in the revolving printing fund is more than fifty thousand dollars, the amount in excess of fifty thousand dollars shall be transferred to the general fund."

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The \$50,000 general fund appropriation for establishing a revolving printing fund is deleted. The Superintendent of Public Instruction is authorized to establish a revolving printing fund with moneys collected from schools as reimbursement for printing costs incurred by the superintendent.

SEN. LIPS, Chairman

SB 2130 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was rereferred SB 2135 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 9, after the comma insert the word "and"

On page 1 of the engrossed bill, line 11, delete the words ", and for remodeling of airport"

On page 1 of the engrossed bill, delete lines 12 and 13

On page 1 of the engrossed bill, line 14, delete the word "Dakota"

On page 4 of the engrossed bill, delete lines 26 through 34

On page 5 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, and pages accordingly

SEN. LIPS, Chairman

SB 2135 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2187 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

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

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2284 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. VOSPER, Chairman

SB 2284 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2329 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 11, after the word "county" insert the words ", with the concurrence of affected parties,"

On page 1, line 14, delete the word "For" and insert in lieu thereof the words "At the discretion of the judge with jurisdiction over a participating inmate, for"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2329 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2334 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. VOSPER, Chairman

SB 2334 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2367 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2367 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2368 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1, line 4, after the word "penalty" insert the words "; and to declare an emergency"

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

"SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2368 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2375 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 12, delete the word "an" and insert in lieu thereof the words "a minimum", and delete the words "equal to three times the tuition charged to"

On page 1, line 13, delete the words "resident students", overstrike the word "as", after the overstruck word "shall" insert the words "of three thousand dollars or greater amounts to", and remove the overstrike over the word "be", and delete the word "is"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2375 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2396 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. CHRISTENSEN, Chairman

SB 2396 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2401 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. CHRISTENSEN, Chairman

SB 2401 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2402 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

SB 2402 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2417 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 13, line 11, delete the words "person from a"

On page 13, line 14, after the period insert the following sentence: "The corporation shall file with the court the name of an employee, volunteer, or other person from the corporation who is directly responsible for the guardianship of each incapacitated person, and shall notify the court in the event the person for any reason ceases to so act, or if a successor is named."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2417 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2427 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2427 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2429 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2429 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2440 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 20, delete the numerals "5,502,140" and insert in lieu thereof the numerals "3,600,000"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2440 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2456 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 3, after the word "surveys" insert the words "and archaeological studies"

On page 1, line 10, after the word "survey" insert the words "and archaeological study"

On page 1, line 18, delete the words "survey to be conducted" and insert in lieu thereof the words "construction project to be delayed"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2456 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred SB 2462 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2462 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2466 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2466 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2471 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

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

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2491 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SB 2491 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2493 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

**SEN. LODOEN, Chairman**

SB 2493 was rereferred to the Committee on Appropriations.

#### FIRST READING OF HOUSE BILLS

**HB 1081:** A BILL for an Act to amend and reenact sections 57-55-01.1, 57-55-02, 57-55-03, 57-55-04, 57-55-05, 57-55-06, 57-55-07, subsection 1 of section 57-55-10, and subsection 2 of section 57-55-11 of the North Dakota Century Code, relating to the payment of mobile home taxes and to tax permits.

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

**HB 1104:** A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to the authority of the board of medical examiners to suspend a physician's license for up to sixty days in an ex parte proceeding based on a finding of immediate and present danger of harm to the public.

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

**HB 1122:** A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the power of the state banking board, and the state credit union board to remove officers, directors, and employees of financial corporations or institutions.

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

**HB 1129:** A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the calculation of service benefits under the public employees retirement system.

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

**HB 1168:** A BILL for an Act to amend and reenact sections 50-24.2-01 and 50-24.2-02 of the North Dakota Century Code, relating to noninstitutional personal care and family home care.

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

**HB 1195:** A BILL for an Act to create and enact a new section to chapter 14-05 and a new section to chapter 50-09 of the North Dakota Century Code, relating to notification of child support enforcement agency in divorce actions and providing child support arrearage information to credit reporting agencies; to amend and reenact section 14-08-03 and subsection 2 of section 14-08-07 of the North Dakota Century Code, relating to the procedure for an action for support and transcription of child support orders.

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

**HB 1215:** A BILL for an Act to amend and reenact section 23-17.3-01 of the North Dakota Century Code, relating to certificate of need for home health agencies; and to repeal chapter 23-17.2 and section 23-17.3-03 of the North Dakota Century Code, relating to certificate of need for expansion of hospital facilities and certificate of need for home health agencies.

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

**HB 1219:** A BILL for an Act to provide an appropriation for additional compensation to North Dakota state classified employees at the institutions and agencies under the control of the state board of higher education for the period beginning January 1, 1985, and ending June 30, 1985; and to declare an emergency.

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

**HB 1221:** A BILL for an Act to permit that an adoption petitioner may be required to show proof of health insurance covering the person to be adopted; and to create and enact a new section to chapter 50-12 of the North Dakota Century Code, relating to license requirements for out-of-state child-placing agencies.

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

**HB 1245:** A BILL for an Act to amend and reenact subsections 3 and 7 of section 18-01-05.1, and section 26-18-08 or in the alternative section 26.1-39-05 as created by Senate Bill No. 2078 as approved by the forty-ninth legislative assembly, of the North Dakota Century Code, relating to fire insurance and arson investigations; and to repeal section 26-05-08 or in the alternative section 26.1-31-07 as created by Senate Bill No. 2078 as approved by the forty-ninth legislative assembly, of the North Dakota Century Code, relating to double fire insurance coverage.

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

**HB 1257:** A BILL for an Act to create and enact section 15-34.2-07.1 of the North Dakota Century Code, relating to the direct negotiation of school transportation and motor vehicle fuel contracts; and to amend and reenact sections 15-34.2-07, 15-34.2-08, and 15-47-15 of the North Dakota Century Code, relating to school transportation, motor vehicle fuel, and heating fuel contracts.

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

**HB 1300:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to extensions of time to perform sales tax audits; and to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to the imposition of the sales tax.

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

**HB 1361:** A BILL for an Act to amend and reenact subsection 2 of section 57-51-15 of the North Dakota Century Code, relating to a limitation on annual county revenue from the oil and gas gross production tax.

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

**HB 1383:** A BILL for an Act to amend and reenact section 32-19.2-01 of the North Dakota Century Code, relating to the appointment of a trustee on application of the mortgagee in any action for the foreclosure of a real estate mortgage.

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

**HB 1389:** A BILL for an Act to amend subsections 1 and 3 of section 5-02-05.1 of the North Dakota Century Code, relating to special Sunday convention alcoholic beverage permit.

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

#### MOTION

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business, and after the reading of SB 2039, SB 2049, SB 2053, SB 2064, SB 2065, SB 2187, SB 2206, SB 2257, SB 2367, SB 2281, SB 2345, SB 2360, SB 2364, SB 2401, SB 2427, SB 2429, SB 2462, SB 2466, SB 2471, and SB 2491, the Senate adjourn and convene at 1:00 p.m., Thursday, February 7, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary