

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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TWENTY-FIFTH DAY

Bismarck, February 11, 1985

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

The prayer was offered by Senator Wright.

Dear Heavenly Father, we pray for special wisdom today as we go about our daily task here in the Senate.

People keep making mistakes, and we will never learn on our own. Only when we are right with You and with Your guidance, will we fully understand our tasks.

Fill us today with joy, peace, purpose, and a sense of direction, for we know that in all things God works for the good of those who love Him.

In Jesus' name, we pray, Amen.

ROLL CALL

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

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-fourth day and finds the same to be correct.

SEN. DAVID, Chairman

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

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Twenty-third day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 571, after line 38, insert the following:

"On page 2, line 2, delete the words "toxic or"

On page 2, line 3, after the first comma insert the word "or" and delete the words ", or transported"

On page 2, line 5, delete the words "department of health" and insert in lieu thereof the words "fire marshal"

On page 2, line 6, delete the word "toxic"

On page 2, line 7, delete the first word "or", after the word "hazards" insert the word "presented", and delete the words "toxic or"

On page 2, line 9, delete the words "toxic or"

On page 2, line 10, delete the words "department of health" and insert in lieu thereof the words "fire marshal"

On page 2, line 12, delete the words "toxic or"

On page 2, line 13, after the period insert the following sentence: "Persons who have copies of emergency response plans meeting the requirements of the federal Resource Conservation and Recovery Act of 1976 on file with the state fire marshal and the local fire district shall be deemed to be in compliance with the requirements of this section."
SEN. DAVID, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1061, HB 1105

LEO LEIDHOLM, Secretary

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 2039, SB 2049, SB 2053, SB 2065, SB 2206, SB 2281,
SB 2345, SB 2360, SB 2364, SB 2427, SB 2462, SB 2466,
SB 2471, SB 2491

LEO LEIDHOLM, Secretary

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 2062, SB 2179, SB 2283, SB 2289, SB 2349, SB 2392,
SB 2403, SB 2407, SB 2424

SEN. BAKWELL, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1123, HB 1169, HB 1315, HB 1348, HB 1374, HB 1382,
HB 1406, HB 1408, HB 1522

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that SB 2138 be returned to the Committee on Appropriations, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2174 as recommended by the Committee on Judiciary as printed on page 600 of the Senate Journal be adopted, and when so adopted, recommends that SB 2174 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2260 as recommended by the Committee on Judiciary as printed on page 600 of the Senate Journal be adopted, and when so adopted, recommends that SB 2260 DO PASS, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2302 as recommended by the Committee on Transportation as printed on pages 600-601 of the Senate Journal be adopted, and when so adopted, recommends that SB 2302 DO NOT PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2358 as recommended by the Committee on Political Subdivisions as printed on pages 601-602 of the Senate Journal be adopted, and when so adopted, recommends that SB 2358 DO NOT PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2369 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 602 of the Senate Journal be adopted, and when so adopted, recommends that SB 2369 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2381 as recommended by the Committee on Judiciary as printed on page 602 of the Senate Journal be adopted, and when so adopted, recommends that SB 2381 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2383 as recommended by the Committee on State and Federal Government as printed on page 603 of the Senate Journal be adopted, and when so adopted, recommends that SB 2383 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2433 as recommended by the Committee on Political Subdivisions as printed on pages 604-605 of the Senate Journal be adopted, and when so adopted, recommends that SB 2433 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2459 as recommended by the Committee on State and Federal Government as printed on page 605 of the Senate Journal be adopted, and when so adopted, recommends that SB 2459 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SB 2483 as recommended by the Committee on Agriculture as printed on page 606 of the Senate Journal be adopted, and when so adopted, recommends that SB 2483 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SCR 4002 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 606-607 of the Senate Journal be adopted, and when so adopted, recommends that SCR 4002 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SCR 4036 as recommended by the Committee on Agriculture as printed on page 607 of the Senate Journal be adopted, and when so adopted, recommends that SCR 4036 DO PASS, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that SB 2235 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

REQUEST

SEN. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2235. There being no objection, it was so ordered by the President.

MOTIONS

SEN. STENEHJEM MOVED that SB 2054, which is on the Eleventh order of business, be laid over one legislative day, which motion prevailed.

SEN. WRIGHT MOVED that SB 2257 which is on the Eleventh order be laid over one legislative day, which motion prevailed.

SEN. NETHING MOVED that SB 2490 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2490: A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, relating to the exemption of nonresidents of a city from a city sales tax enacted by a home rule city.

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

MOTIONS

SEN. VOSPER MOVED that SB 2490 be amended as follows:

On page 1, after line 17, insert the following paragraph: "The provisions of this section do not apply to any city sales or use tax if revenue from that tax is used for payment of principal or interest on bonds issued by the city prior to July 1, 1985. The city auditor shall determine and certify to the governing body of the city when principal and interest is fully paid on bonds issued prior to July 1, 1985, in anticipation of sales and use tax revenues. The provisions of this section shall apply beginning with the first quarterly period after the principal and interest on the bonds is fully paid."

And renumber the lines accordingly

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

SEN. VOSPER MOVED that the rules be suspended, that SB 2490 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2490: A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, relating to the exemption of nonresidents of a city from a city sales tax enacted by a home rule city.

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 21 YEAS, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Hilken; Kelly; Kelsh; Krauter; Langley; Meyer, W.; Moore; Naaden; Parker; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Kilander; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Mutch; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Waldera; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Christensen

SB 2490 was declared lost.

RECOGNITION

SEN. NETHING MOVED that a committee of two be appointed to escort the Honorable Byron Dorgan, United States Congressman, to the rostrum. The motion prevailed and President Meiers appointed as such committee Sens. Waldera and Krauter.

The Honorable Byron Dorgan was escorted to the rostrum and addressed the assembly.

SEN. NETHING MOVED that the following remarks of Congressman Byron Dorgan be printed in the Journal, which motion prevailed.

REMARKS

By
Honorable Byron Dorgan
United States Congressman

Lt. Governor Meiers, senators, ladies and gentlemen: I'm pleased to be here today. As many of you probably know, Congress is not in session this week. It is President's Day on Monday, which means that we take the whole week off. Then we'll go back and work a day or so, and then we'll run into Flag Day and take a little rest for Flag Day, and then Arbor Day and National Pinochle Week. We'll sort of work our way through the year.

Congress is a lot like the state legislature: where a lot of people, Democrats and Republicans, liberals and conservatives try to do the best job we can on some very important public questions.

I was privileged to have worked with many of you in this chamber throughout the 1970's in my role as tax commissioner, and I won some and lost a lot with you. But I always have respected what you do. I am always struck, when I come back to the state legislature to look at your bill books and understand the amount of work that you do in a very short span of time. It's really quite incredible--the amount of your task and the amount of time allotted to it, and I think very few people understand that.

I was talking the other day to someone in Washington about the state legislature because they were talking about something that was being passed back in their state. As we talked about state legislatures, I told them that ours was one that has a lot of Republicans and a lot of Democrats, and sometimes they do things I like, and sometimes they do things I don't think are so good. Still, almost all of us in North Dakota understand that we have made some very significant investments in the right thing: the future of our state. The other fellow and I had been talking about education. I said to him, "You know, if you take a look at what North Dakota commits to education in its per capita spending

on education on all levels, it's enormous." We've always made that commitment--Democrats and Republicans, and I'm proud of that commitment.

A congressman from Oklahoma, Congressman Mike Synar, was telling us the other day that he had been back home and he had been talking to a group of Cub Scouts. He served in the state legislature before he went to the United States Congress. He said, "I asked those Cub Scouts, what do you think is the difference between a legislative body like the state legislature or the United States Congress and the Cub Scouts? And one little fellow raised his hand, and he said, "Adult supervision."

Well, we kid ourselves a lot, and people kid us a lot - those of us who serve in the legislative bodies here and in Washington, D.C., but the task is pretty sobering. The task is to do the public's business, and that's not very easy.

Last Wednesday night the president gave the State of the Union address and the chamber was packed with the House and the Senate, the Supreme Court, the cabinet, and diplomats from around the world. The president gave the State of the Union address at a time when things are pretty good in this country in a lot of areas. Times have improved over the last few years in many areas. People do feel pretty good about this country. The president made that clear in his State of the Union address. He described once again, as he does very well, that this country is a country of hope, compassion, and courage and a country where dreams can come true for people all over the country if they work hard enough and strive hard enough.

So the president told us some good news about the State of the Union. He said the economy is growing and the people feel better about themselves and about America. But we're a big country, and things aren't good everywhere. Those of us who spend our time trying to fix what's wrong need to understand that we've got some problems.

We've got farmers that work hard, but their dreams no longer come true because prices are too low and interest rates are too high and farm failures are at a record high. And that's the State of the Union that we need to fix.

We have magazines and newspapers that are filled with ads for the latest diet fads asking the average American if they won't chip in and help take off some of that extra weight while two-thirds of the world is hungry and the sub-Saharan region of Africa starves. At the very same time that condition exists, we, as Americans, through our farm program are asking if we can't make our most productive assets less productive: our family farms. And that's a State of the Union that we have to fix.

Yet, the wealthiest and most robust nation in the history of civilization is deep in debt and sinking deeper in debt. Five

years ago we had a federal debt of \$900 billion, today it's \$1.7 trillion. We have annual budget deficits of \$200 billion a year and the most recent trade year ended with a \$125 billion trade deficit and that is a State of the Union that we have to fix.

Now I guess if you were to look back one hundred years from today to what we're doing now, you could probably try and describe who we are and what we think, and what our aspirations and our values are by what we spend our money on in the public domain: you, in the state legislature, and we, in the United States Congress.

The President a week ago today sent us the budget that he proposes for this year. And now we're going to get involved in a wrestling match, all of us, trying to wrestle with this question of "what do we do about that?", "what do we really spend our money on?" The President said, "For this coming fiscal year, I propose a federal deficit of \$180 billion." He said, "I propose a thirteen percent increase in budget authority for defense. I propose nearly a fifty percent cut in spending for farm programs. I propose eliminating revenue-sharing, cutting Medicaid, cutting student aid, a five percent general across-the-board cut for programs for the poor, eliminating UDAG and EDA, and many other budgets."

The question is then: what will happen? Well, what will happen, I think, is that we'll now, from that submission by the President to the Congress, get involved in that sport called the good, old-fashioned, American budget debate.

You see, I think, while everyone kids government a lot, and they often speak ill of government or make jokes of government, everyone also understands that government is a necessary evil: necessary, certainly, but not benign; in many ways, evil. It imposes strangleholds of red tape and regulation and so on, and so people understand that government is necessary, but we have these different views of what government should be doing, and at what rate.

I personally would like to see an across-the-board freeze on all federal spending--all of it--defense and nondefense. I don't think that's likely to happen this year. In fact, I think all three members of the North Dakota delegation have indicated they would support that and would vote for it. Probably all three of us have sponsored or cosponsored bills to do that, but the debate is do we spend more for defense at the expense of other programs? Well, I don't know how that's going to resolve itself. A senator on the other side of the Capitol the other day, Senator Cohen from Maine, was talking about the defense budget, and many of us, myself included, think we're spending a little too much in that area. He said that when the news came out last week, following the news that said that we were paying \$7,600 for coffeemakers--ten-cuppers, to be sure--\$426 for hammers, and now we're spending \$680 for toilet seats on the submarine-chasing airplane, it gives

new meaning to the word "throne". Those senators have a great sense of humor.

Well, the fact is, in my judgment, we're throwing a lot of money at some of these budget items and we have to exercise some restraint in defense and nondefense issues. What can you expect? It's my judgment that those of us in Congress, particularly from rural states, will wage a very strong fight against dramatic cuts in agriculture at this point. You would not cut defense spending if you were in the middle of a war. You would not cut health care spending in America if you were in the middle of an epidemic, and it seems to me unwise to suggest a dramatic and deep cut for spending for agricultural programs in the middle of a farm crisis. Those of us who come from this part of the country, Republicans and Democrats alike, will wage a very strong and very aggressive fight against the kinds of proposals that are existing today in the President's budget on agriculture.

I'm not saying we need another nickel above today's spending. I'm willing to freeze agricultural spending. But I am not, and neither are, I'm sure many Republicans and Democrats from states like North Dakota, willing to see a fifty percent cut with the kind of times that farmers are facing in the 1980's in the appropriations for agriculture. It seems to me that you especially, I, and others, understand that defense is not just appropriations for the Department of Defense. Defense in this country is also the kind of investments you've made and the kind of investments we've made in a strong education system. That's defense. Defense is an investment in a strong health care system. Defense is the maintenance of a network of family farms. This is one of the few countries in the world, the only country in the world, that is both a major industrial giant, one of the superpowers militarily, and also can produce enough food for itself and help feed the rest of the world. That is a major part of this country's defense.

I'd like to try and tell you what I think will happen to these spending issues. I would think that you should expect to see some spending cuts in revenues that North Dakota now receives in some of these types of areas as recommended by the President, and as I think will be negotiated and accepted by Congress. I expect you will see cuts in funds in the UDAG grants. I expect you're going to see cuts in the EDA program. I expect that you're going to see cuts in revenue-sharing, and North Dakota receives about \$13.6 million in revenue-sharing. I expect that you may see some cuts in rural water and sewage grants. Those are some of the kinds of areas that have been either targeted for cuts or outright elimination by the President on which I think you will see action by Congress to proceed ahead with some basic cuts in revenue. If I were in the state legislature, I would predict that some funds in those areas will probably be diminished as a result of Congressional acquiescence to some of the President's requests.

With respect to agriculture itself, I know that you and Governor Sinner are discussing a number of initiatives at the state level to try and respond to what you see and what we see as a farm crisis. I think that's good, I think that probably all of us understand that this is not a state problem that the state can solve--it's too big for that--but the kinds of things that you are doing and the kinds of things you are discussing, I think probably give a lot of hope to a lot of farm families out there that otherwise have no hope. I'd like to describe to you very briefly what I think might happen in Congress shortly.

We introduced a bill last Thursday that I think has a chance of being passed by the House and by the Senate in a short-term. The bill provides for two things on the credit side. It provides, first, for a fifty percent advance payment of the loan rate on the expected crop for this year. What that would do is use the money that is already targeted in this year's budget for loan rates, but move fifty percent of that money out immediately to help family farmers who otherwise can't find the liquidity to purchase the feed and the seed, the fertilizer, the other things necessary for spring planting. We talked with Speaker O'Neill about that, he's assured us he would help us to move that to the floor of the House quickly; Senator Dole says it's the best plan that he's seen at this point. A group of us introduced it last Thursday, the first part is advanced loan rate payments, the second is a debt restructuring similar to, but improving upon, that which was announced by the Secretary of Agriculture and the President.

I think that all of us in this room understand that even if we provide for some short-term, and some intermediate or some long-term, credit needs of family farmers, that won't solve the problem. Ultimately they have to get a better price for their product or they will fail.

The 1985 Congress is required to produce a new four-year farm plan and we are now in the beginning stages of working on that. I can't predict what direction that will go, but I can tell you that I don't think that anyone, Republican or Democrat, is of a mind to accept the administration's suggestions of cutting in half the support prices for the next four-year farm program.

I would expect within the next three to four weeks you should know whether the United States Congress is going to do anything above that which was announced by the Secretary of Agriculture on farm credit and that will help you prior to the time that you are going to have to make final decisions on what you might be doing here. Also, in the time frame beyond that leading up to the end of this year, we will be working on and trying to construct that new four-year farm plan.

I know that there has been some discussion in South Dakota, in Nebraska, and in other state legislatures, and I've heard some at least in North Dakota, saying that legislators from here ought to

join legislators from other states and come to Washington, or at least communicate with decisionmakers in Washington, and I think that's fine. I think that there are Democrats and Republicans from urban districts who need your advice, who need your counsel; we need your help--those of us who come from states like North Dakota--we need your help as well. You certainly need to talk to President Reagan, Secretary Block, Mr. Stockman, and others on Capitol Hill, both sides of the aisle, and in this administration especially, decisionmakers who can impact a farm program and short-term credit needs in a way that would be beneficial, not detrimental, to the future of our farms, and to the future of North Dakota.

Now I'd like to, in closing, say that this whole process that we're involved in here is one of making choices. Most of what we do in this country is done privately, by ourselves, with private choices of consumption. And then another major part of what we do is done publicly, understanding that we need law and order, that we need a defense, we need research on health, we need farm price supports, we need an education system, we need roads to drive back and forth to town, back and forth to school. A major part of what we do, we do publicly. And we are the ones who serve in legislative bodies, who make the choices of what kind of expenditures that we make in that public domain. No matter how severe the criticism in the short-run, it seems to me that it's incumbent upon the United States Congress and the state legislature to do what's necessary in both the short-term and the long-term, in what I think is one of the most severe agricultural crises that we've seen in many, many years. The bedrock of this state's economy is still farming. We have never, if you go back and look at economic history, seen farm prices go down and stay down, and at the same time seen interest rates go up and stay up for a long period of time. And those two conditions are conditions that family farmers cannot hurdle.

If family farmers are the strength of our economy, and they are, and if they're confronted with those two problems that they cannot control, then we have to intervene, somehow, to see if we can help--you, here in the state legislature, and those of us in the United States Congress.

I told the House a while ago about a fellow who was at a meeting I attended near LaMoure, and he, like a lot of people you run into when you're walking up and down the street, got up and said "I'm not real crazy about government, to be real honest with you," but he said, "I finally ran into a government I can identify with," he said, "I was over in Montana, going over to visit my daughter. My wife and I were driving along. I was going a little bit fast. I got picked up by the highway patrol over there. They gave me a ticket, and the highway patrolman said I was going 74 miles per hour. He took out this receipt and wrote it out, and he said, 'That's going to be five dollars. The way we do it here in Montana is, when you get picked up, you pay me five dollars, and I give you the receipt.' I thought

that was really something," he said. "I was just folding that receipt to put it in my pocket, and the highway patrolman said, 'By the way, you hang onto that receipt. If you get picked up again today, that's good for all day.' Now, there's a government I can understand and respect," he said.

Well, good government is a matter of choice. Good government is we in the state legislature and we in the United States Congress making the right choices.

I would like to close today with a quote from Adlai Stevenson, who talked about that. We really are the product of those who elect us, all of us, and when we cast votes, we reflect the expressions of those who elect us. We reflect the trust of their evaluation of our judgment. And Adlai Stevenson said, "Trust the people, trust their faith, their fortitude. Trust their good sense, and trust them with the important decisions." I think that is what you do here in the state legislature, and I'm pleased to be invited to be back to spend a few minutes with you.

As always, I'm proud of, not every piece of work you do, but I'm proud of the product that comes out of the North Dakota Legislature which is a good legislature with a good history working on behalf of the people living in the best state of this country. Thank you very much.

SECOND READING OF SENATE BILLS

SB 2001: A BILL for an Act to appropriate money for the expenses of the legislative branch of government; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; 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; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen

SB 2001 passed, the title was agreed to, and the emergency clause carried.

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the international peace garden of the state of North Dakota.

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 1 YEA, 51 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Tallackson

NAYS: Adams; Bakewell; Berube; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Christensen

SB 2022 was declared lost.

SB 2062: A BILL for an Act to amend and reenact section 15-59-07.2 of the North Dakota Century Code, relating to reimbursements made by the superintendent of public instruction for special education boarding care costs; and to repeal section 15-59-07.1 of the North Dakota Century Code, relating to the cost of out-of-state boarding care for handicapped students.

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; 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: Christensen

SB 2062 passed and the title was agreed to.

SB 2179: A BILL for an Act to adopt the Uniform Extradition and Rendition Act (1980), relating to the interstate retrieval of fugitives; and to repeal chapters 29-30.1 and 29-30.2 of the North Dakota Century Code and section 29 of chapter 375 of the 1979 Session Laws, relating to the Uniform Rendition of Accused Persons Act and the Uniform Criminal Extradition Act.

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; 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: Christensen

SB 2179 passed and the title was agreed to.

SB 2283: A BILL for an Act to create and enact a new section to chapter 36-04 and a new subsection to section 36-04-10 of the North Dakota Century Code, relating to payment for livestock prior to transportation and grounds for revocation of a livestock dealer's license.

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; 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: Christensen

SB 2283 passed and the title was agreed to.

SB 2289: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; and to provide an effective date.

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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; 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: Adams; Bakewell; Kelly; Moore

ABSENT AND NOT VOTING: Christensen

SB 2289 passed and the title was agreed to.

SB 2314: A BILL for an Act to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the balance of the veterans' postwar trust fund.

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 10 YEAS, 42 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Holmberg; Kelsh; Maixner; Mushik; Tweten; Vosper; Waldera; Wright

NAYS: Adams; Bakewell; Berube; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Christensen

SB 2314 was declared lost.

SB 2403: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, to provide for the award of attorneys' fees and costs in proceedings involving administrative agencies.

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

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

SB 2403 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the Senate stand in recess for fifteen minutes, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, President Meiers presiding.

SECOND READING OF SENATE BILLS

SB 2404: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and two new sections to title 39 of the North Dakota Century Code, relating to the statutory fee for failing to use safety belts, required use of safety belts in certain motor vehicles, and education programs by the highway commissioner; and to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to attributing comparative negligence to a party who fails to use safety belts.

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

MOTIONS

SEN. MATCHIE MOVED that SB 2404 be amended as follows:

On page 1, line 23, delete the second numeral "2" and insert in lieu thereof the numeral "3"

On page 2, line 20, delete the word "twenty-"

On page 2, line 21, delete the word "five" and insert in lieu thereof the word "ten"

And renumber the lines and pages accordingly

SEN. MATCHIE MOVED that the proposed amendments be adopted, which motion prevailed on a division vote.

SEN. MATCHIE MOVED that the rules be suspended, that SB 2404 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2404: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and two new sections to title 39 of the North Dakota Century Code, relating to the statutory fee for failing to use safety belts, required use of safety belts in certain motor vehicles, and education programs by the highway commissioner; and to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to attributing comparative negligence to a party who fails to use safety belts.

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 16 YEAS, 36 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Heigaard; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Peterson; Redlin; Satrom; Shea; Stromme; Tallackson; Vosper; Waldera; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lips; Lodoen; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Wenstrom; Wright

ABSENT AND NOT VOTING: Walsh

SB 2404 was declared lost.

SB 2407: A BILL for an Act to amend and reenact section 12-44.1-02 of the North Dakota Century Code, relating to jail contracts.

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 51 YEAS, 0 NAYS, 2 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; 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: None

ABSENT AND NOT VOTING: Maixner; Walsh

SB 2407 passed and the title was agreed to.

SB 2423: A BILL for an Act to amend and reenact section 23-01-02.1 of the North Dakota Century Code, relating to the confidentiality of required reports for hospitals and extended care facilities.

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

NAYS: Meyer, D.

ABSENT AND NOT VOTING: Maixner; Walsh

SB 2423 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2424 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2481: A BILL for an Act to amend and reenact section 11-10.1-04 of the North Dakota Century Code, relating to salaries of county directors of tax equalization.

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 2 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Naaden; Wright

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin;

Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme;
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Wogsland

ABSENT AND NOT VOTING: Maixner; Walsh; Wenstrom

SB 2481 was declared lost.

SB 2499: A BILL for an Act to provide for investigation of
benefits of increasing the capacity of the lower Red River.

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; 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: None

ABSENT AND NOT VOTING: Walsh

SB 2499 passed and the title was agreed to.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4035: A concurrent resolution urging the Secretary of the
Interior, the director of the National Park Service, and
the regional director of the National Park Service to take
all steps necessary to secure funding for the development
of the Knife River Indian Villages National Historic Site.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4035 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2424: A BILL for an Act to create and enact a new subsection to section 11-11-14, a new section to chapter 36-21, and a new subsection to section 58-06-07 of the North Dakota Century Code, relating to control of dogs by counties and townships, and liability of owners of vicious dogs.

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, 2 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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Nelson; Thane

ABSENT AND NOT VOTING: Walsh

SB 2424 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that SB 2424 be reprinted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2020 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2020 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 referred SB 2312 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 words "; and to provide an"

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

On page 1, delete lines 20 through 26

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes the appropriation for the fund.

SEN. LIPS, Chairman

SB 2312 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2341 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 2, delete the words "the balance of" and insert in lieu thereof the words "funds from"

On page 1, line 10, after the second comma, insert the words "the sum of six hundred sixteen thousand three hundred sixty-five dollars from the sinking fund shall be transferred by the treasurer to the veterans' postwar trust fund."

On page 1, line 11, overstrike the word "any" and insert immediately thereafter the word "Any"

On page 1, line 12, remove the overstrike over the words "~~general fund~~", and delete the words "veterans' postwar trust fund"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2341 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2371 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 5, line 8, delete the words "a demonstrated interest or"

On page 5, line 9, delete the word "Five"

On page 5, delete lines 10 through 14

On page 5, line 15, delete the words "institutions, and the department of human services."

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2371 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2385 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

SB 2385 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 2388 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, delete lines 15 through 19 and insert in lieu thereof the following: "Law enforcement officer" means any full-time sworn employee of a state agency or any political subdivision thereof, with powers of arrest, who participates in the public employees retirement system, and who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic or highway laws of this state, including agents of the state bureau of criminal investigation, the state drug enforcement unit, the state parole board, law enforcement personnel of the state game and fish department, the state parks and recreation department, county sheriff departments, city police departments, and staff members of the state penitentiary who have regular contact with inmates as determined by the director of institutions."

On page 2, line 35, delete the underscored dashes and insert in lieu thereof the words "five and one-half"

On page 3, line 3, delete the underscored dashes and insert in lieu thereof the words "five and twelve-hundredths"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2388 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 2434 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2434 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 2438 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2438 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 2442 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 2, after the word "services" insert the words "; and to declare an emergency"

On page 1, line 13, after the word "programming" insert a comma

On page 2, line 30, after the numerals "254" insert the word and numerals "and SF 255"

On page 4, line 13, after the word "firm" insert a comma

On page 4, line 14, after the word "state" insert a comma

On page 4, line 28, after the word "projects" insert the word "for", and after the word "which" insert the words "the fees"

On page 5, line 11, after the word "architectural" insert a comma

On page 5, after line 23, insert the following new section:

"SECTION 6. 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. LODOEN, Chairman

SB 2442 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 2447 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2447 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 2472 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2472 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 2478 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2478 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2487 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2487 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 2495 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 1, delete the words "which the soil conservation"

On page 2, delete lines 2 and 3

On page 2, line 4, delete the words "particular farm or ranch"

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

SB 2495 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 2500 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, after line 5, delete the remainder of the bill and insert in lieu thereof the following:

"SECTION 1. If Senate Bill No. 2502 of the forty-ninth legislative assembly does not become effective, the following section is hereby created and enacted to read as follows:

Definitions. As used in this Act, unless the context requires otherwise:

1. "Board" means the farm foreclosure negotiation board, or its authorized agent where applicable.
2. "Farm" means a tract or tracts of land as provided in paragraph 1 of subdivision b of subsection 15 of section 57-02-08.
3. "Farmer" means a person involved in the production of an agricultural commodity, as provided in paragraph 2 of subdivision b of subsection 15 of section 57-02-08.
4. "Fund" means the home-quarter purchase fund.
5. "Home-quarter" means a single contiguous tract of not more than one hundred sixty acres [64.75 hectares] which serves as the base unit of a farm and upon which the farm residence and buildings are located.

SECTION 2. If Senate Bill No. 2502, as approved by the forty-ninth legislative assembly, becomes effective, the following section is hereby created and enacted to read as follows:

Definitions. As used in this Act, unless the context requires otherwise:

1. "Board" means the credit review board for the region where the farm or a majority of the farm is located, or its authorized agent where applicable.
2. "Farm" means a tract or tracts of land as provided in paragraph 1 of subdivision b of subsection 15 of section 57-02-08.
3. "Farmer" means a person involved in the production of an agricultural commodity, as provided in paragraph 2 of subdivision b of subsection 15 of section 57-02-08.
4. "Fund" means the home-quarter purchase fund.
5. "Home-quarter" means a single contiguous tract of not more than one hundred sixty acres [64.75 hectares] which serves as the base unit of a farm and upon which the farm residence and buildings are located.

SECTION 3. If Senate Bill No. 2502 of the forty-ninth legislative assembly does not become effective, the following section is hereby created and enacted to read as follows:

Farm foreclosure negotiation board. The governor shall appoint seven members to the farm foreclosure negotiation board. Three members of the board must have experience serving as directors or officers of financial institutions. Four members of the board must have experience in the operation of a farm. No member of the board may hold state office or serve in state office or serve in state government in any capacity at the time of appointment or during service on the board. The governor shall appoint members to terms of four years. The governor shall appoint one member to serve as chairman of the board.

SECTION 4. If Senate Bill No. 2502 of the forty-ninth legislative assembly does not become effective, the following section is hereby created and enacted to read as follows:

Powers - Compensation and expenses. The board shall meet at the call of the chairman, as is necessary to fulfill its duties under this Act. The board shall serve as a negotiator between a farmer who is in danger of immediate foreclosure or who has received a notice of foreclosure on a farm and has petitioned the board, and any lender who holds a valid mortgage upon the property. The board may hire staff, subject to appropriations, to serve as negotiators for the board. Board members are entitled to receive fifty dollars for each day of official service, as directed by the board. The board members are entitled to expenses as provided in sections 44-08-04 and 54-06-09.

SECTION 5. If Senate Bill No. 2502 of the forty-ninth legislative assembly does not become effective, the following section is hereby created and enacted to read as follows:

Petition - Negotiation.

1. Any farmer may petition the board for aid after receipt of a notice of foreclosure, or if the farmer is in danger of immediate foreclosure. Upon receipt of the petition, the board or its authorized agent shall enter into negotiations with the lender, on behalf of the farmer.
2. The board or its authorized agent shall negotiate with the lender in an attempt to extend the term of the loan, reduce the dollar amount of payments under the loan, or otherwise negotiate a settlement that will allow the farmer to reside

in the farm residence and allow the farmer to continue to produce agricultural commodities. Any change in the terms of the mortgage must be approved by the lender and the farmer.

SECTION 6. Interest rate buydowns by the board.

1. If the board, or its authorized agent, is unable to mediate a settlement in the negotiation of a farmer's debt, the board may approve the purchase, refinancing, or redemption of the farmer's home-quarter. If the board approves the purchase, refinancing, or redemption of the home-quarter, it shall subsidize the interest rate paid by the farmer after credit has been obtained by the farmer from any governmental or private financial institution or agency.
2. The board may only approve an interest subsidy if the farmer has the financial ability to meet all payments and financial responsibilities, including the payment of principal and interest on loans subsidized under this Act.

SECTION 7. Fund - Appropriation.

1. A revolving fund must be maintained at the Bank of North Dakota for the subsidy of interest rates on home-quarter purchases, as provided in this Act. All moneys transferred into the fund, interest upon moneys in the fund, and payments to the fund are hereby appropriated for the purpose of providing subsidies in accordance with this Act.
2. The board may petition the emergency commission for a transfer from the state contingency fund whenever it appears to the board that the moneys remaining in the fund are not sufficient to meet demands on the fund. The emergency commission shall grant the transfer request, or so much thereof as may be necessary, if it finds that an emergency situation exists in the industry of farming, due to increasing numbers of farm foreclosures.
3. The fund must be administered and supervised by the Bank of North Dakota. The Bank may deduct a service fee for administering the fund from payments received on the fund.

SECTION 8. Interest rates - Repayment - Loan qualification.

An interest subsidy may only be approved on the first fifty thousand dollars of principal loaned to the farmer for the

purchase or refinancing of the home-quarter. For the first year after approval of any loan, the board shall subsidize ten percentage points per annum of the interest payments due from the farmer, not to exceed the amount of interest actually charged on the first fifty thousand dollars of principal. For the second and third years of the loan, the board shall subsidize six percentage points per annum of the interest payments due from the farmer, not to exceed the amount of interest actually charged on the first fifty thousand dollars of principal. The amount of any interest payments subsidized by the board must be added to the principal amount of the loan, and the lender shall repay this amount into the fund as it is repaid by the borrower. Loans approved by the board must be amortized and may have terms of up to forty years.

SECTION 9. Home-quarter - Appraised value. The board shall determine the appraised value of home-quarters for the purposes of this Act. In determining appraised value, the board shall receive testimony, from either party, on the value of the home-quarter as a single tract of land.

SECTION 10. If Senate Bill No. 2502 of the forty-ninth legislative assembly does not become effective, the following section is hereby created and enacted to read as follows:

Rulemaking authority. The board may adopt rules under chapter 28-32 as are necessary to implement this Act.

SECTION 11. If Senate Bill No. 2502, as approved by the forty-ninth legislative assembly, becomes effective, the following section is hereby created and enacted to read as follows:

Rulemaking authority. The industrial commission may adopt rules as are necessary to implement this Act and determine the qualifications of applicants as required by this Act.

SECTION 12. 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. VOSPER, Chairman

SB 2500 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred 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.

MADAM PRESIDENT: Your Committee on Education to which was referred SCR 4038 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SCR 4038 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 SCR 4039 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4039 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 SCR 4041 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4041 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 SCR 4042 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SCR 4042 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 SCR 4045 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4045 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 HCR 3013 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3013 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1047: A BILL for an Act to amend and reenact sections 25-16-01, 25-16-02, and 25-16-03 of the North Dakota Century Code, relating to the ownership and operation of treatment and care centers for developmentally disabled persons.

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

HB 1064: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to the setoff of collateral source payments from the damages recoverable in medical malpractice actions.

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

HB 1144: A BILL for an Act to amend and reenact section 55-02-07 of the North Dakota Century Code, relating to historical, archaeological, and paleontological artifacts or sites found or located on land owned by the state or its political subdivisions and the procedures for determining significance and mitigating proposed actions affecting those artifacts or sites.

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

HB 1188: A BILL for an Act to amend and reenact subsections 7, 8, and 9 of section 19-02.1-14.1 of the North Dakota Century Code, relating to the identification of drugs.

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

HB 1268: A BILL for an Act to amend and reenact sections 27-07.1-34, 27-23-01, 27-23-02, and 40-18-22 of the North Dakota Century Code, relating to changing the name of the commission on judicial qualifications to the commission on judicial conduct.

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

HB 1290: A BILL for an Act to amend and reenact sections 44-08-01 and 44-08-02 of the North Dakota Century Code, relating to the preference to North Dakota contractors for public construction contracts.

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

HB 1297: A BILL for an Act to amend and reenact section 35-03-04 of the North Dakota Century Code, relating to the prerequisites for recordation of a mortgage.

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

HB 1313: A BILL for an Act to provide for the licensure and regulation of respiratory care practitioners; to establish

a North Dakota respiratory care examining board; and to provide a penalty.
 Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1331: A BILL for an Act to amend and reenact section 39-08-09, subsection 6 of section 39-08-13, and section 39-16-05 of the North Dakota Century Code, relating to accidents involving motor vehicles for which a report to law enforcement agencies is required.

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

HB 1363: A BILL for an Act to create and enact a new subsection to section 39-04-12 of the North Dakota Century Code, relating to fleet registration of motor vehicles.

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

HB 1385: A BILL for an Act to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to abandoned objects loaned to museums which have closed.

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

HB 1420: A BILL for an Act to amend and reenact section 51-07-15 of the North Dakota Century Code, relating to item pricing of certain retail goods.

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

HB 1483: A BILL for an Act to amend and reenact section 4-28-05 of the North Dakota Century Code, relating to compensation of the members of the North Dakota state wheat commission.

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

HB 1486: A BILL for an Act to create and enact a new section to chapter 14-05 and a new section to chapter 14-06 of the North Dakota Century Code, relating to orders dividing property in divorce and separation enforceable by contempt and removing exemptions from process upon execution of divorce or separation judgments ordering division of property; and to amend and reenact section 28-22-01 of the North Dakota Century Code, relating to property exempt from process.

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

MOTION

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

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

of SB 2020, SB 2054, SB 2174, SB 2175, SB 2257, SB 2260, SB 2302, SB 2358, SB 2369, SB 2381, SB 2383, SB 2385, SB 2433, SB 2434, SB 2438, SB 2447, SB 2459, SB 2472, SB 2478, SB 2483, SB 2487, SCR 4002, SCR 4034, SCR 4036, SCR 4038, SCR 4039, SCR 4041, SCR 4042, SCR 4045, HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HB 1219, HCR 3013, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 12, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary