

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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THIRTY-NINTH DAY

Bismarck, March 5, 1985

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

The prayer was offered by Reverend Greg Williamson, Zion Lutheran Church, Bismarck.

William Gladstone, who served as Prime Minister of England until the age of 85, said: "The problem of statesmanship is to find out which way God is going and to go that way."

We ask You, Heavenly Father, to guide this assembly in Your ways. We are, of course, bound to have differences of opinion. We ask that all of our differences would be worked out in accord with Your will. Give us grace to rule according to Your good pleasure so that those whom we serve may lead a quiet, peaceable life. Direct us to do all to Your glory and honor; to rule according to Your leading. In Jesus' name we pray this. Amen.

ROLL CALL

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

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 Thirty-eighth 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 enrolled:

SCR 4001, SCR 4012, SCR 4039, SCR 4041, SCR 4045

SEN. BAKEWELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SCR 4001, SCR 4012, SCR 4039, SCR 4041, SCR 4045

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1115, HB 1245, HB 1264, HB 1270, HB 1273, HB 1320,
HB 1321, HB 1326, HB 1355, HB 1373, HB 1396, HB 1411,
HB 1433, HB 1566, HB 1603, HCR 3001, HCR 3029, HCR 3043,
HCR 3044, HCR 3048, HCR 3054, HCR 3055

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1094, HB 1128, HB 1157

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1351, HB 1385

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1036 as recommended by the Committee on Appropriations as printed on page 1248 of the Senate Journal be adopted, and when so adopted, recommends that HB 1036 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1247 as recommended by the Committee on Political Subdivisions as printed on page 1248 of the Senate Journal be adopted, and when so adopted, recommends that HB 1247 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1335 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1249 of the Senate Journal be adopted, and when so adopted, recommends that HB 1335 DO PASS, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1388 as recommended by the Committee on Appropriations as printed on pages 1249-1250 of the Senate Journal be adopted, and when so adopted, recommends that HB 1388 DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1017: A BILL for an Act making an appropriation for defraying the expenses of the civil air patrol 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 26 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Wogsland

ABSENT AND NOT VOTING: Freborg; Walsh

HB 1017 was declared lost for want of a Constitutional majority.

HB 1023: A BILL for an Act making an appropriation for defraying the expenses of the bonding fund and the fire and tornado 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 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; David; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Wogsland

ABSENT AND NOT VOTING: Walsh

HB 1023 passed and the title was agreed to.

HB 1289: A BILL for an Act to amend and reenact subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to venue for emergency commitment proceedings.

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

HB 1289 passed and the title was agreed to.

HB 1374: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to the due date of monthly sales and use tax returns, and payment of the tax due.

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

HB 1374 passed and the title was agreed to.

HB 1375: A BILL for an Act to amend and reenact sections 57-39.2-12.1 and 57-40.2-07.1 of the North Dakota Century Code, relating to deductions to reimburse retailers for administrative expenses of collection of sales and use taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 34 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; David; Holmberg; Ingstad; Kelly; Kilander; Kusler; Lips; Lodoen; Matchie; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Berube; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Tweten; Vosper

ABSENT AND NOT VOTING: Walsh

HB 1375 passed and the title was agreed to.

HB 1381: A BILL for an Act to create and enact a new section to chapter 44-06 of the North Dakota Century Code, relating to the duty of certain sureties to notify the secretary of state concerning claims against the bonds of notaries public; and to amend and reenact sections 44-06-01 and 44-06-03 of the North Dakota Century Code, relating to the term of office and bonding requirements of notaries public.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; David; Holmberg; Kelsh; Kilander; Krauter; Langley; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nelson; Nething; Parker; Peterson; Redlin; Reiten; Satrom;

Shea; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wright

NAYS: Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kusler; Lashkowitz; Maixner; Mutch; Naaden; Olson; Stenehjem; Streibel; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: Walsh

HB 1381 passed and the title was agreed to.

MOTION

SEN. DAVID MOVED that the Senate reconsider the action whereby HB 1062 passed, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1062: A BILL for an Act to amend and reenact sections 25-04-01, 25-04-02, 25-04-03, 25-04-03.1, 25-04-04, 25-04-05, 25-04-05.1, 25-04-08, 25-04-11, 25-09-02, 50-06-01.4, and 54-23-01 of the North Dakota Century Code, relating to the transfer of control of Grafton state school and San Haven to the department of human services; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 27 YEAS, 25 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Christensen; Dotzenrod; Freborg; Heinrich; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, J.; Mushik; Nething; Olson; Redlin; Reiten; Satrom; Stenehjem; Tennefos; Waldera; Wenstrom; Wright

NAYS: Adams; Bakewell; Berube; David; Heigaard; Hilken; Kelly; Lips; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Shea; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: Walsh

HB 1062 passed and the title was agreed to.

MOTION

SEN. PARKER MOVED that HB 1420 which is on the Fourteenth order be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1408: A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, to provide that the Legislative Council may appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings.

Which has been read and is placed on the calendar without recommendation.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wenstrom; Wright

NAYS: Berube; David; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland

ABSENT AND NOT VOTING: Walsh

HB 1408 was declared lost.

HB 1424: A BILL for an Act to amend and reenact section 30.1-15-04 of the North Dakota Century Code, relating to the right of and the demand for a jury trial in contested formal testacy proceedings.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; 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; 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: Naaden; Walsh

HB 1424 passed and the title was agreed to.

HB 1428: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to dispensing or permitting the consumption of alcoholic beverages on licensed premises on certain days.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 37 YEAS, 14 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Heinrich; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: Christensen; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Lashkowitz; Meyer, J.; Mutch; Streibel; Tennefos; Tweten; Vosper

ABSENT AND NOT VOTING: Heigaard; Walsh

HB 1428 passed and the title was agreed to.

HB 1438: A BILL for an Act to amend and reenact sections 11-15-08 and 11-15-09 of the North Dakota Century Code, relating to a sheriff's commission.

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; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Walsh

HB 1438 passed and the title was agreed to.

HB 1488: A BILL for an Act to amend and reenact section 16.1-11-26 of the North Dakota Century Code, relating to the placement of the offices of governor and lieutenant governor on the primary election ballot.

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, 46 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Maixner; Matchie; Satrom; Stenehjerm; Wogsland

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

ABSENT AND NOT VOTING: Walsh

HB 1488 was declared lost.

HB 1600: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, to provide that certain minerals are exempt from ad valorem 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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Krauter; Maixner; Matchie; Satrom; Waldera

ABSENT AND NOT VOTING: Walsh

HB 1600 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3021: A concurrent resolution encouraging television coverage of the activities of the Forty-ninth Legislative Assembly and future assemblies; and providing for the preparation of guidelines for television coverage by the Legislative Council or its designee.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3021 was declared lost on a division vote.

HCR 3039: A concurrent resolution directing the Legislative Council to conduct a study of the availability and adequacy of financial aid available for students attending state postsecondary educational institutions and to determine the feasibility of initiating new state programs to provide financial aid to those students.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3039 was declared adopted on a voice vote.

HCR 3049: A concurrent resolution requesting the development and promotion of a North Dakota Product Label by the Department

of Agriculture, and requesting use of the slogan "Buy North Dakota Products" on all literature and items printed with state funds.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3049 was declared adopted on a voice vote.

HCR 3057: A concurrent resolution directing the Legislative Council to study compensation of legislative employees.

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

The question being on the final adoption of the resolution.

HCR 3057 was declared lost on a voice vote.

HCR 3061: A concurrent resolution directing a Legislative Council study of the formula for state distribution of personal property tax replacement revenues to political subdivisions.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3061 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS
ON CONSENT CALENDAR

HCR 3011: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a prefunded retirement health care plan for public employees through the state uniform group insurance plan.

HCR 3026: A concurrent resolution directing the Legislative Council to study the special education needs of gifted children and special education programs available to gifted children and to determine what improvements to those programs can and should be made.

HCR 3060: A concurrent resolution directing the Legislative Council to study methods of attracting and retaining qualified teachers in North Dakota public schools.

HCR 3063: A concurrent resolution directing the Legislative Council to conduct a study of the structure of the state law enforcement system in North Dakota.

HCR 3064: A concurrent resolution directing the Legislative Council to study the feasibility of establishing an enhanced 911 emergency telecommunications system for the state.

HCR 3073: A concurrent resolution directing the Legislative Council to study the tuition laws for elementary and secondary school students who cross the North Dakota-South Dakota border to attend school.

Which have been read.

The question being on the final adoption of the resolutions.

The resolutions were adopted on a voice vote.

MOTION

SEN. MOORE MOVED that the Senate reconsider the action whereby HB 1017 lost, which motion prevailed on a verification vote.

SECOND READING OF A HOUSE BILL

HB 1017: A BILL for an Act making an appropriation for defraying the expenses of the civil air patrol 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 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; David; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Wogsland

ABSENT AND NOT VOTING: Walsh

HB 1017 passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was rereferred SB 2500 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2500 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 2502 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 1, line 5, after the semicolon, insert the words "to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota;"
- On page 1, line 12, delete the words "an appropriation" and insert in lieu thereof the word "appropriations"
- On page 2, line 23, delete the word "two" and insert in lieu thereof the word "four"
- On page 3, line 1, after the word "member", insert the words "or an alternate"
- On page 3, line 2, delete the comma and insert in lieu thereof the word "and", after the word "creditor" insert an underscored comma, and after the word "and" insert the words "to notify"
- On page 3, line 5, after the word "No" insert the word "legal"
- On page 3, line 6, after the word "repossession" insert the word ", collection,", and delete the word "other" and insert in lieu thereof the word "self-help"
- On page 3, line 7, delete the word "action", and delete the word "initiated" and insert in lieu thereof the word "commenced"
- On page 3, line 9, delete the word "initiate" and insert in lieu thereof the word "commence", and delete the words "must file a statement with the" and insert in lieu thereof the words "shall notify the debtor and the industrial commission of"
- On page 3, delete line 10
- On page 3, line 11, delete the words "setting forth", and delete the words "and the name of the debtor" and insert in lieu thereof the words ", setting forth the remedies of the"

debtor under this Act, as prescribed by the industrial commission"

On page 3, line 13, delete the words "file this" and insert in lieu thereof the words "notify the debtor and the industrial commission."

On page 3, delete lines 14 and 15

On page 3, line 16, delete the words "within fifteen" and insert in lieu thereof the words "Within twenty", and after the word "notice" insert an underscored comma

On page 4, line 15, after the period insert the following new sentence: "If postponement is denied, the creditor who has filed the notice prescribed by section 7 of this Act is exempt from the notice requirement of section 32-19-20."

On page 4, line 18, after the word "plan" insert the words "for financing and funding"

On page 4, line 19, delete the words "for approval"

On page 4, line 20, after the word "approved" insert the words "by the industrial commission", and delete the words "the parties must enter into a binding agreement,"

On page 4, line 21, delete the word "and"

On page 4, line 23, delete the words "agreed to", and insert in lieu thereof the words "approved or if the debtor fails to comply with the plan", and delete the words "maintain or"

On page 5, line 1, after the word "any" insert the words "legal proceedings for"

On page 5, line 2, delete the words "or other", and delete the word "action" and insert in lieu thereof the words "or self-help collection"

On page 5, line 3, delete the word "initiated" and insert in lieu thereof the word "commenced"

On page 5, delete lines 11 through 15 and insert in lieu thereof the following:

"SECTION 15. Confidentiality of meetings and records. The personal financial information of any debtor, the identity of a debtor, and personal or private financial information of any creditor or financial institution is confidential. To protect this confidential information, the meetings of credit review boards and the industrial commission concerning these matters must be designed to allow certain portions to be open and certain portions to

be closed. When meetings are closed, the results and actions of those meetings must be reported immediately after the closed portions of the meetings to persons requesting the information in such a way as to protect the confidential information, but to inform the public as to the results of the meetings. Minutes must be kept of all meetings, open or closed, which do not disclose confidential information but which cover the proceedings in general."

On page 5, line 17, after the second word "on" insert the following: "or a foreclosure action has commenced before the effective date of this Act"

On page 6, line 3, after the period insert the following sentence: "The court may not order an extension that would substantially diminish or impair the value of the contract or obligation of the person against whom the relief is sought or which would cause irreparable harm or undue hardship to any mortgagee, judgment creditor, or their successors or assigns."

On page 6, after line 23, insert the following new section:

"SECTION 20. A new section to chapter 6-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Farm operating loan guarantee fund. The Bank of North Dakota may guarantee the payment of debt service on farm operating loans made by financial institutions to North Dakota farmers, upon terms and conditions the Bank prescribes. There is created a farm operating loan guarantee fund to be used by the Bank of North Dakota to implement the program. The extent of the guarantee for loans made and outstanding to any one farmer may not exceed one hundred thousand dollars. The Bank shall charge a fee based on the principal amount of a loan guaranteed by the fund which, after the Bank deducts such moneys as may be necessary for its expenses in administering the program, must be deposited in the fund. The Bank may do everything necessary to administer the program."

On page 8, line 4, delete the second word "in"

On page 8, delete line 5

On page 8, line 6, delete the words "value of the real estate"

On page 8, line 7, after the word "secured" insert the words "in part"

On page 8, line 8, after the word "on" insert the word "such"

On page 8, line 9, after the word "treasurer" insert the words "as security for bonds issued by the state"

On page 8, line 10, after the numerals "54-30" insert the words "and if the second lien will be assigned to an investment trust purchasing the bonds of which the Bank of North Dakota is the trustee"

On page 8, delete lines 11 and 12

On page 10, line 4, delete the word "the"

On page 10, line 5, delete the words "state, the Bank of North Dakota, or"

On page 11, line 15, delete the word "general" and insert in lieu thereof the words "coal development"

On page 11, line 21, after the period, insert the following section:

"SECTION 27. APPROPRIATION. There is hereby appropriated out of any moneys in the state fire and tornado fund, not otherwise appropriated, the sum of \$8,000,000, or so much thereof as may be necessary, to the Bank of North Dakota for the purpose of administering the farm operating loan guarantee program established by this Act for the period beginning with the effective date of this Act."

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

SB 2502 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4020 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WENSTROM, Cochairman

SCR 4020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4033 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WENSTROM, Cochairman

SCR 4033 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 HB 1076 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1076 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1098 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1098 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1182 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PARKER, Vice Chairman

HB 1182 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1207 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 of the engrossed bill, line 14, delete the word "seven" and insert in lieu thereof the word "four"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1207 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 HB 1242 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 4, after the word "assembly" insert the words "and to the extension of state uniform group life insurance coverage to retired public employees"

On page 1, line 26, overstrike the words "; provided, that except" and insert immediately thereafter the words "including the basic and additional life insurance coverage offered under the uniform group at the level existing for the employee at the date of termination. An employee may continue the additional life insurance coverage only if the employee was receiving the additional life insurance"

coverage during the twelve-month period immediately preceding retirement or termination. Except"

On page 2, line 2, overstrike the word "such" and insert immediately thereafter the words "a retired or terminated"

On page 2, line 10, after the period insert the following sentence: "A member or former member of the legislative assembly may elect to continue membership in the uniform group within the applicable time limitations after either termination of eligible employment as a member of the legislative assembly or termination of other eligible employment."

And renumber the lines and pages accordingly

SEN. PARKER, Vice Chairman

HB 1242 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 rereferred HB 1266 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1, line 5, after the word "students" insert the words "; and to declare an emergency"

On page 3, after line 6 insert the following new section:

"SECTION 5. 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. PETERSON, Chairman

HB 1266 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 HB 1281 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1281 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1283 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1283 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1369 has had the same under consideration and recommends that the same DO PASS.

SEN. PARKER, Vice Chairman

HB 1369 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1392 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1392 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1468 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. CHRISTENSEN, Chairman

HB 1468 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1496 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1496 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1503 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1503 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1535 has had the same under consideration and recommends that the same DO PASS.

SEN. PARKER, Vice Chairman

HB 1535 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1551 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1551 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1590 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1590 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3070: A concurrent resolution directing the Legislative Council to study the problems of solid waste disposal in landfills in North Dakota.

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

HCR 3074: A concurrent resolution calling for a Legislative Council study of the confidentiality statutes governing the office of the tax commissioner.

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

HCR 3079: A concurrent resolution directing the Legislative Council to study the adequacy and appropriateness of the funding of transportation assistance programs for the elderly and handicapped in North Dakota.

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

HCR 3086: A concurrent resolution directing the Legislative Council to study the duties, qualifications, and authority of the State Forester, the location of the office of the State Forester, and the placement of the State Forest Service under the jurisdiction of the Board of Higher Education.

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

HCR 3089: A concurrent resolution directing the Legislative Council to study grain warehousemen insolvencies and insolvencies of grain buying or commission firms, and the feasibility of providing bond coverage for credit-sales contracts.

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

HCR 3090: A concurrent resolution directing the Legislative Council to study the Pembina River Basin, including soil, water, wildlife, and ecological resource management needs and the potential for the development of recreational and historical resources.

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

HCR 3092: A concurrent resolution directing the Legislative Council to study the present adequacy and equity of the structure of taxes levied by the state and the prospects for future changes in revenues from the various taxes imposed by the state.

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

SCR 4001, SCR 4012, SCR 4039, SCR 4041, SCR 4045

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1071, HB 1104, HB 1140, HB 1169, HB 1171, HB 1204,
HB 1221, HB 1257, HB 1352, HB 1383, HB 1384, HB 1592,
HB 1614, HCR 3030

LEO LEIDHOLM, Secretary

MOTIONS

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

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business and after the reading of SCR 4020, SCR 4033, HB 1036, HB 1076, HB 1098, HB 1182, HB 1217, HB 1247, HB 1281, HB 1283, HB 1335, HB 1369, HB 1388, HB 1392, HB 1420, HB 1468, HB 1496, HB 1503, HB 1535, HB 1551, HB 1590 the Senate adjourn and convene at 1:00 p.m., Wednesday, March 6, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary