

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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THIRTIETH DAY

Bismarck, February 16, 1987

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

The prayer was offered by Reverend Tom Shaffer, First Baptist Church, Bismarck.

Our gracious God and abiding Father, we call upon You for guidance and strength. We have felt Your nearness, and we have observed Your answers to our prayers. Thank You that Mrs. Meiers is here today.

May we be aware of Your presence in the business of these hours before us. You, O Lord, are the unseen delegate. Vote through our decisions so that what we say and do here today will be in accordance with Your will for our state and our people.

Give us grace to lay aside all bitterness and resentment so that our spirits may be filled with Your peace. Help us to rejoice in what we are able to give to others through our work. May a new spirit, a new vision, a new purpose capture us. May we so serve that You will delight to bless this chamber, this state, and these our people.

We gratefully and humbly ask in Your great name. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Heinrich, Holmberg, Mathern, Maxson, W. Meyer, Nalewaja, Stenehjem, and Tennefos.

A quorum was declared by the President.

REQUEST

SEN. HEIGAARD REQUESTED that the record show Sens. J. Meyer, Mathern, Heinrich, Maxson, Nalewaja, Peterson, and Stenehjem are absent from the Senate because of committee hearings of the Committee on Human Services and Veterans Affairs of which they are members.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 796, delete lines 18 and 19 and insert in lieu thereof the words "SB 2038 was rereferred to the Committee on Appropriations."

On page 797, delete lines 22 through 28

SEN. J. MEYER, Chairman

SEN. AXTMAN 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 1268, HB 1293, HB 1302, HB 1323, HB 1369, HB 1381,
HB 1390, HB 1489, HB 1535, HB 1547, HB 1551, HB 1613,
HB 1665

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: In accordance with Senate Rule 407 the Senate is unable to allow the introduction of HCR 3061.

PERRY GROTEBERG, 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 2040, SB 2053, SB 2055, SB 2095, SB 2097, SB 2135,
SB 2175, SB 2176, SB 2181, SB 2218, SB 2299, SB 2336,
SB 2344, SB 2368, SB 2376, SB 2433, SB 2446, SB 2516,
SB 2519, SB 2527, SB 2534, SCR 4018, SCR 4031, SCR 4038

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2006 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "4,315,905" and insert in lieu thereof the numerals "4,218,552"

On page 1, line 18, delete the numerals "6,235,947" and insert in lieu thereof the numerals "6,138,594"

On page 1, line 19, delete the numerals "2,280,091" and insert in lieu thereof the numerals "2,276,813"

On page 1, line 20, delete the numerals "3,955,856" and insert in lieu thereof the numerals "3,861,781"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Industrial School

The compensation increases of \$97,353 (\$94,075 from the general fund and \$3,278 from other funds) included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2006 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2007 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, delete the numerals "3,115,133" and insert in lieu thereof the numerals "3,050,609"

On page 1, line 22, delete the numerals "3,946,777" and insert in lieu thereof the numerals "3,882,253"

On page 1, line 24, delete the numerals "3,533,437" and insert in lieu thereof the numerals "3,468,913"

On page 1, line 27, delete the numerals "2,095,833" and insert in lieu thereof the numerals "2,048,830"

On page 2, line 3, delete the numerals "2,574,888" and insert in lieu thereof the numerals "2,527,885"

On page 2, line 5, delete the numerals "2,216,460" and insert in lieu thereof the numerals "2,169,457"

On page 2, line 6, delete the numerals "5,749,897" and insert in lieu thereof the numerals "5,638,370"

On page 2, line 8, delete the numerals "6,521,665" and insert in lieu thereof the numerals "6,410,138"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The compensation increases included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. The amounts deleted from the School for the Deaf's and School for the Blind's appropriation for the compensation increases are:

	<u>General Fund</u>
School for the Deaf	\$ 64,524
School for the Blind	<u>47,003</u>
Total	\$111,527

SEN. TALLACKSON, Chairman

SB 2007 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2008 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "1,143,788" and insert in lieu thereof the numerals "1,118,032"

On page 1, line 15, delete the numerals "751,203" and insert in lieu thereof the numerals "804,868"

On page 1, line 19, delete the numerals "2,969,940" and insert in lieu thereof the numerals "2,997,849"

On page 1, line 21, delete the numerals "2,163,636" and insert in lieu thereof the numerals "2,191,545"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Library

The compensation increases of \$25,756 from the general fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The operating expenses line item is increased \$53,665 from the general fund, of which \$3,514 is for state employee travel, \$3,500 is for office supplies, and \$46,651 is for resource and reference materials.

SEN. TALLACKSON, Chairman

SB 2008 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2024 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 4, delete the word "two" and insert in lieu thereof the word "a" and delete the word "subsections" and insert in lieu thereof the word "subsection"
- On page 1, line 7, delete the word "subsection" and insert in lieu thereof the word "subsections", after the numeral "2" insert the word and numeral "and 11", and delete the numerals "26.1-01-09" and insert in lieu thereof the numerals "26.1-03-20"
- On page 1, line 9, delete the words "and the annual salary of the insurance"
- On page 1, line 10, delete the word "commissioner"
- On page 1, line 24, delete the numerals "1,491,084" and insert in lieu thereof the numerals "1,459,053"
- On page 1, line 25, delete the numerals "367,884" and insert in lieu thereof the numerals "407,884"
- On page 2, line 2, delete the numerals "1,880,779" and insert in lieu thereof the numerals "1,888,748"
- On page 2, line 6, delete the numerals "33,496" and insert in lieu thereof the numerals "32,832"
- On page 2, line 10, delete the numerals "54,922" and insert in lieu thereof the numerals "54,258"
- On page 2, line 13, delete the numerals "189,054" and insert in lieu thereof the numerals "184,849"
- On page 2, line 18, delete the numerals "282,963" and insert in lieu thereof the numerals "278,758"
- On page 2, line 20, delete the numerals "2,218,664" and insert in lieu thereof the numerals "2,321,764"

On page 5, line 19, delete the word "Two" and insert in lieu thereof the word "A" and delete the word "subsections" and insert in lieu thereof the word "subsection"

On page 5, line 20, delete the word "are" and insert in lieu thereof the word "is"

On page 5, delete lines 22 through 35

On page 6, line 5, delete the word "Subsection" and insert in lieu thereof the word "Subsections" and after the numeral "2" insert the words "and 11"

On page 6, after line 12, insert the following subsection:

"11. For an official examination, the actual expense and per diem incurred, but the per diem charge may not exceed thirty-five dollars the expenses of the examination at the rate adopted by the department. The rates must be reasonably related to the direct and indirect costs of the examination, including but not limited to actual travel expenses, including hotel and other living expenses, compensation of the examiner and other persons making the examination, and necessary attendant administrative costs of the department directly related to the examination and must be paid by the examined insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the examiner and approved by the department."

On page 6, delete lines 13 through 18

On page 6, after line 18, insert the following new section:

"SECTION 11. AMENDMENT. Section 26.1-03-20 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-03-20. Examinations - By whom conducted - Compensation to be paid into state treasury. Qualified regular employees of the commissioner shall conduct all examinations of an insurance company required or permitted by law to be conducted by the commissioner, whether or not the examinations are convention examinations called in accordance with rules promulgated by the national association of insurance commissioners. Their compensation is to be paid out of the appropriation for the commissioner's office. Any sums paid to the employees or to the commissioner by the company examined, as an examination fee or otherwise, is state money, and forthwith

shall be paid into the state treasury insurance regulatory trust fund. Any sums paid to the employee or the commissioner as expense money for the examiner may be paid directly to the employee, and no employee may charge or collect from the state any expenses incurred in connection with any examination for or during which expenses or any part thereof have been paid by any other person, firm, or corporation."

On page 6, line 21, delete the words "an amount sufficient" and insert in lieu thereof the words "the sum of \$100,000 or so much thereof as may be necessary"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Insurance Commissioner

The compensation increases of \$32,031 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The section which statutorily increases the Insurance Commissioner's salary is deleted.

Operating expenses are increased by \$40,000 to provide funding for payment of actuaries hired on a consultant basis.

The amendment also deletes the creation of a new subsection relating to examination rates of the Insurance Commissioner and includes the new language in an already existing statute.

The amendment specifies the amount appropriated in section 12 for cash flow financing the insurance regulatory trust fund.

Bonding Fund

The compensation increases of \$664 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Fire and Tornado Fund

The compensation increases of \$4,205 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2026 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the numerals "2,025,273" and insert in lieu thereof the numerals "1,986,673"

On page 1, line 18, delete the numerals "2,821,271" and insert in lieu thereof the numerals "2,782,671"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Seed Department

The compensation increases of \$38,600 from special funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

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

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2027 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "6,875,738" and insert in lieu thereof the numerals "6,743,017"

On page 1, line 21, delete the numerals "500,000" and insert in lieu thereof the numerals "600,000"

On page 1, line 23, delete the numerals "17,799,511" and insert in lieu thereof the numerals "17,826,790"

On page 1, line 24, delete the words "Any additional income" and insert in lieu thereof the words "The sum of \$60,000, or so much thereof as may be necessary,"

On page 1, line 28, delete the numerals "500,000" and insert in lieu thereof the numerals "600,000"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Game and Fish Department

The compensation increases of \$132,721 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The wildlife habitat line item and the corresponding transfer from the habitat restoration fund is increased by \$100,000 for estimated additional income which may become available due to proposed legislative changes to fees.

The amendment also provides that \$60,000 be appropriated for income received from gifts and donations.

SEN. TALLACKSON, Chairman

SB 2027 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 2033 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1, line 9, delete the first word "mediation" and the second word "mediation"

On page 1, line 10, after the word "board" insert the words "shall consist of representatives of farm, water, and wildlife interests appointed by the governor and the chairman of the legislative council. The appointment shall include the agriculture commissioner, the state engineer, and the game and fish commissioner." and delete the words "consists of the governor, or the governor's duly authorized"

On page 1, delete lines 11 through 25

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

On page 2, line 2, delete the word "mediation"

On page 2, line 10, delete the word "mediation"

On page 2, line 11, delete the words "the United States fish and"

On page 2, line 12, delete the words "wildlife service" and
insert in lieu thereof the words "any governmental entity"

On page 2, line 13, delete the words "available within"

On page 2, delete line 14

On page 2, line 15, delete the words "wildlife service"

On page 2, line 18, delete the word "mediation"

On page 2, line 22, delete the word "regional" and insert in lieu
thereof the words "appropriate government agency"

On page 2, line 23, delete the words "director of the United
States fish and wildlife service"

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

SB 2033 was placed on the Sixth order of business on the calendar
for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was
referred SB 2068 has had the same under consideration and
recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING
that the same BE AMENDED AS FOLLOWS and when so amended,
recommends the same DO PASS:

On page 2, line 30, delete the word "chargeable"

On page 2, line 34, after the word "and" insert the words
"charges may be adjusted in accordance"

On page 2, line 35, overstrike the word "monthly"

On page 5, line 5, delete the word "chargeable"

On page 5, line 8, after the word "and" insert the words "charges
may be adjusted in accordance"

On page 5, line 9, overstrike the word "monthly"

On page 5, line 10, delete the word "chargeable" and insert in lieu thereof the word "charged"

On page 5, line 29, overstrike the words "liable for fees and expenses"

On page 5, line 30, delete the word "charged" and insert in lieu thereof the words "responsible for services, care, and treatment provided"

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

SB 2068 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed SB 2103 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 12, after the word "products" insert the words "and three hundred thousand dollars of the revenue generated under this section each year is allocated to the adult basic and secondary education fund in the state treasury for use by the superintendent of public instruction for the purpose of developing, aiding, and promoting adult basic and secondary education programs"

On page 4 of the engrossed bill, after line 2, insert the following new section:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the adult basic and secondary education fund in the state treasury, not otherwise appropriated, the sum of \$600,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of developing, aiding, and promoting adult basic and secondary education programs, for the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides for the allocation of \$300,000 to the adult basic and secondary education fund. The sum of \$600,000 is appropriated for the biennium.

SEN. TALLACKSON, Chairman

SB 2103 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred SB 2183 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS: .

On page 1, line 1, after the "Act" insert the words "to create and enact five new sections to chapter 38-08 of the North Dakota Century Code, relating to the powers, rights, and liabilities of the industrial commission in plugging or replugging abandoned wells and the reclamation of well sites;" and delete the word "section" and insert in lieu thereof the word "sections" and after the numerals "38-08-04.4" insert the word and numerals "and 38-08-04.5"

On page 1, line 4, after the word "reclamation" insert the words "and the establishment of an abandoned oil and gas well plugging and site reclamation fund; and to provide an appropriation"

On page 1, line 13, after the first word "gas" insert the words "or injection" and after the second word "gas" insert the words "or injection"

On page 1, line 16, after the word "found" insert the words ", has no assets with which to properly plug or replug the well or reclaim the well site,"

On page 2, after line 17, insert the following new sections:

"SECTION 2. AMENDMENT. Section 38-08-04.5 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-04.5. Abandoned oil and gas well plugging and site reclamation fund. There is hereby created an abandoned oil and gas well plugging and site ~~restoration~~ reclamation fund.

1. Revenue to the fund shall include:

- a. Fees collected by the oil and gas division of the industrial commission for permits or other services.
- b. Moneys received from the forfeiture of drilling and reclamation bonds.
- c. Moneys received from any federal agency for the purpose of this section.

- d. Moneys donated to the commission for the purposes of this section.
 - e. Moneys received from the state's oil and gas impact fund.
 - f. Moneys recovered under the provisions of section 5 of this Act.
 - g. Moneys recovered from the sale of equipment confiscated under the provisions of section 6 of this Act.
 - h. Such other moneys as may be deposited in the fund for use in carrying out the purposes of plugging or replugging of wells or the restoration of well sites.
2. Moneys in the fund may be used for the following purposes:
- a. Contracting for the plugging of abandoned wells.
 - b. Contracting for the reclamation of abandoned drilling and production sites, saltwater disposal pits, drilling fluid pits, and access roads.
3. Whenever All moneys collected under this section shall be deposited in the abandoned oil and gas well plugging and site reclamation fund. This fund must be maintained as a special fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of defraying the costs incurred in carrying out the plugging or replugging of wells, the reclamation of well sites, and all other related activities. However, when the money accumulated in the fund exceeds fifty thousand dollars, any additional fees collected by the oil and gas division of the industrial commission shall must be deposited in the general fund.

SECTION 3. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Right of entry. The commission, its agents, employees, or contractors shall have the right to enter any land for the purpose of plugging or replugging a well or the restoration of a well site as provided in section 38-08-04.4.

SECTION 4. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Liability for damages. The commission, its agents, employees, or contractors shall not be liable for any damage that may occur as a result of acts done or omitted to be done by them or each of them in a good-faith effort to carry out the provisions of this Act. This section does not prohibit a contractor from being held liable for all damages to person or property, real or personal, resulting from the lack of ordinary care by the contractor in carrying out the provisions of this Act.

SECTION 5. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Recovery for costs of plugging. If the commission, its agents, employees, or contractors plugs or replugs a well or reclaims a well site under the provisions of this Act, the state has a cause of action for all reasonable expenses incurred in the plugging, replugging, or reclamation against the operator of the well at the time the well is required to be plugged and abandoned or any or all persons who own a working interest in the well at the time the well is required to be plugged and abandoned as a result of the ownership of a lease or mineral interest in the property on which the well is located. The term "working interest owner" does not mean a royalty owner or an overriding royalty interest owner. The commission shall seek reimbursement for all reasonable expenses incurred in plugging any well or reclaiming any well site through an action instituted by the attorney general. The liability of any working interest owner under this section shall be limited to that proportion of the reasonable expenses incurred by the commission that the interest of any such working interest owner bears to the entire working interest in the well. Any money collected in a suit under this section shall be deposited in the state abandoned oil and gas well plugging and site reclamation fund. Any suit brought by the commission for reimbursement under this section may be brought in the district court for Burleigh County, the county in which the plugged well or reclaimed well site is located or the county in which any defendant resides.

SECTION 6. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Confiscation of equipment to cover plugging costs. If the commission, its agents, employees, or contractors plugs, replugs a well, or restores a well site pursuant to

this Act, the commission may order the confiscation of any production-related equipment at the abandoned well site owned by the operator or any working interest owner for the purpose of wholly or partially compensating the state for the cost of plugging or replugging or site restoration.

SECTION 7. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Penalties and other relief. The plugging or replugging of a well or reclamation of a well site by the commission, its agents, employees, or contractors, shall not prevent the commission from seeking penalties or other relief provided by law from any person who is required by statutes, rules, or order of the commission to plug or replug a well or reclaim the surface."

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

SB 2183 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred SB 2188 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 5, delete the word "three" and insert in lieu thereof the word "two"

On page 2, line 6, delete the word "two" and insert in lieu thereof the word "one", delete the word "representatives" and insert in lieu thereof the word "representative"

On page 2, line 7, delete the word "and", and after the word "industry" insert the words ", one representative from a major agricultural group, and one representative from a major environmental group"

On page 2, line 35, delete the word "sunfuels" and insert in lieu thereof the word "synfuels"

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

SB 2188 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2198 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "reorganization" insert the words "under the legislative council" and delete the words "and to"

On page 1, line 3, delete the words "make recommendations to the fifty-first legislative assembly" and after the semicolon insert the words "to provide an appropriation;"

On page 1, line 24, after the period insert the words "The commission shall operate according to the statutes and procedures governing the operation of other legislative council interim committees."

On page 2, line 1, after the period insert the words "The legislative council shall provide staff services for the commission."

On page 2, line 6, delete the words "fifty-first legislative assembly" and insert in lieu thereof the words "legislative council in the same manner as other interim legislative council committees"

On page 2, after line 6, insert the following new section:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$10,080, or so much thereof as may be necessary, to the legislative council for the expenses of the commission on governmental reorganization during the biennium beginning July 1, 1987, and ending June 30, 1989."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

To provide a \$10,080 general fund appropriation to the Legislative Council for the purpose of paying the expenses of the Commission on Governmental Reorganization and to provide that the commission is to operate the same as other Legislative Council committees.

SEN. TALLACKSON, Chairman

SB 2198 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2361 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, overstrike the words "owned or leased" and insert immediately thereafter the following:

":

a. Owned"

On page 1, line 12, overstrike the word "shall" and insert immediately thereafter the words "may elect to"

On page 1, line 13, after the word "deer" insert the words "upon the land described in the affidavit or upon payment of the fee requirement for a resident big game license, a preferential landowner license to hunt deer within the district or unit in which the land described in the affidavit is located"

On page 1, line 15, overstrike the words "and may be used to hunt deer"

On page 1, delete line 16

On page 1, line 17, delete the word "the affidavit is located" and after the period insert the following:

"b. Leased by any person within a district or unit open for hunting of deer, such person shall receive, without charge, a license to hunt deer only upon the land described in the affidavit."

On page 1, line 20, overstrike the words "owned or leased" and insert immediately thereafter the following:

":

a. Owned"

On page 1, line 21, overstrike the word "shall" and insert immediately thereafter the word "may elect to"

On page 1, line 22, after the word "antelope" insert the words "upon the land described in the affidavit or upon payment of the fee requirement for a resident big game license to hunt antelope within the district or unit in which the land described in the affidavit is located"

On page 1, line 24, overstrike the words "and may be used to hunt antelope"

On page 1, line 25, delete the words "within the district or unit in which the land"

On page 1, line 26, delete the words "described in the affidavit is located" and after the period insert the following:

"b. Leased by any person within a district or unit open for hunting of deer, such person shall receive, without charge, a license to hunt antelope only upon the land described in the affidavit."

On page 2, line 7, after the word "under" insert the words "subdivision a of"

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

SB 2361 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 2387 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, delete line 10 through 19, and insert in lieu thereof the following:

"In the event a city, county, school district, or other political subdivision objects to any decision of the state historical board to disallow alteration or demolition of a site listed on the state historical sites registry, such political subdivision may submit the objection to arbitration as provided in this subsection. Arbitration may also be demanded by either the board or such political subdivision if the board or the political subdivision determines that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration. The party desiring arbitration shall make a written demand therefor of the other and in such demand shall name three arbitrators. The demand shall also set forth the objections which the party desires to submit to arbitration, with reference to the particular state historic site. Such demand shall be served upon the other party, which, within ten days, shall name in writing three arbitrators, and in connection therewith shall set forth in writing its response to the objections set forth in the demand served upon it and any additional objections which it desires to submit to arbitration on its part. The six arbitrators so selected shall name a seventh arbitrator. If the party proceeded against shall fail or refuse to name three arbitrators, the moving party may apply ex parte to

the judge of the district court of the county in which the state historical site in question, or any part thereof, may be located, for the appointment of the unnamed arbitrators, and if upon the appointment of three arbitrators by each of the parties, the six so appointed have been unable to agree upon a seventh arbitrator within five days, then either party, upon five days' notice may apply to such district court for the appointment of such seventh arbitrator. The political subdivision may select its arbitrators from among the governing board of the affected political subdivision, from any regular or special committee appointed by the governing board, whether serving on such governing board or not, or from any combination thereof. The state historical board may select its arbitrators from among the board itself, from an executive committee of the board, or from any combination thereof. When a panel of arbitrators has been appointed, a submission in writing shall be executed as provided in section 32-29-02, except that such submission must provide for the entry of judgment upon the award by the district court of the county within which the state historical site or some part thereof is located. The submission must also provide that each party shall bear its own arbitration costs and expenses, however the costs and expenses relating to the seventh arbitrator shall be borne equally by both parties to the dispute. The seven arbitrators shall proceed to resolve the controversies brought before them, and the decision of the arbitrators, or a majority of them, shall be given in writing to the board or the officials concerned and shall be binding upon both parties. Thereafter, the arbitration shall proceed in accordance with the provisions of chapter 32-29."

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

SB 2387 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred SB 2409 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the words "shall show clear" and insert in lieu thereof the words "must agree to warrant and defend"

On page 1, line 14, delete the word "record", delete the word "relevant", delete the word "before", delete the word

"allowed" and insert in lieu thereof the words "offered for lease before being allowed"

On page 1, line 15, delete the words "at a public offering" and insert in lieu thereof the words "for sale"

On page 1, line 16, after the period insert the following new sentence: "When a person agrees to offer a mineral interest at a public offering that interest may not be withdrawn from the offering, and the person is required to accept the highest bid at the offering."

On page 1, line 17, after the word "pay" insert the words "prior to sale"

On page 1, line 18, after the period insert the following language: "Nothing in this Act shall be construed or interpreted to impose any liability or obligation upon the state or any of its departments, agencies, agents, or employees by reason of any acts or omissions done under this Act."

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER, Chairman

SB 2409 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2418 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, delete the word "is" and insert in lieu thereof the words "has been" and after the word "state" insert the words "for the preceding ten years"

And renumber the lines, sections, and pages accordingly

SEN. J. MEYER, Chairman

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

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2451 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the numerals "20.1-05" insert the words "and a new section to chapter 20.1-08"

- On page 1, line 3, after the word "by" insert the words "paraplegics and"
- On page 1, line 9, after the word "by" insert the words "paraplegics and" and after the word "Any" insert the words "paraplegic or"
- On page 1, line 10, delete the words "or has a significant visual impairment"
- On page 1, line 12, delete the word "another" and insert in lieu thereof the word "a", after the word "person" insert the words "designated on the license", and after the word "individual" insert the words "subject to the provisions contained in section 2 of this Act and"
- On page 1, line 13, after the period insert the following: "The paraplegic or blind person must be present and actively participating in the hunt to the extent possible. As used in this section, paraplegic means any person who is physically incapable of holding and firing a firearm or using a bow to hunt."

SECTION 2. A new section to chapter 20.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Governor's proclamation concerning the hunting of big game by paraplegics and blind persons. The governor shall by proclamation provide for a two-day season for paraplegics and individuals who are totally or partially blind to hunt big game in such manner, number, places, and times as the governor shall prescribe."

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

SB 2451 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 2469 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide farmers the right to redeem separate known lots or parcels of property, including a known lot or parcel containing the farmer's home, separately from the remaining property; to amend and reenact section 15-07-04 of the North Dakota Century Code, relating to sale of land

by the board of university and school lands; to provide an expiration date; and to declare an emergency.

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

SECTION 1. Declaration of findings. The legislative assembly declares that:

1. This state is suffering from a financial crisis in agriculture that affects the entire economic health of this state.
2. A large number of farm families are in economic distress and are being forced to leave their farms, abandon their investments, and move to other areas. This adversely affects the towns, business communities, and school districts in rural areas.
3. It is in the best interest of the state to protect farm families from the dislocation caused by the financial crisis in agriculture.
4. This Act is enacted pursuant to the police powers of the state in times of economic crisis and in accordance with article XI, section 22, of the Constitution of North Dakota, which requires the legislative assembly to adopt wholesome laws protecting homesteads.

SECTION 2. AMENDMENT. Section 15-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-07-04. Private sale - Terms and prices. Any land sold under the provisions of this chapter shall be sold by public sale except for purchases under the provisions of sections 15-07-10 and 15-08-13. If the land was acquired through the cancellation of a contract for deed, the price shall be not less than the amount due at the time of cancellation. If the land was acquired through foreclosure, the price shall be not less than the amount due at the time of the foreclosure sale less any amount that was paid for the separate redemption of the property designated pursuant to section 4 of this Act. In either case, the purchase price also must include interest on the aforesaid amount at the rate of five percent per annum from the date of the cancellation or the foreclosure sale, as the case may be, and the amount of recording fees paid by the state.

SECTION 3. Separate redemption of known lots or parcels - Notice. In any proceeding to foreclose any

mortgage upon agricultural property as defined in subsection 1 of section 57-02-01, including a proceeding pursuant to chapter 15-03, 15-08, 32-19, 32-19.1, or 35-22, the executing creditor shall notify the debtor that the debtor may redeem known lots or parcels including a lot or parcel containing the debtor's home and some of the property surrounding the home separately from the remaining property. The notice required in sections 32-19-20 and 35-22-03 must contain a statement substantially similar to the following:

WARNING: This creditor is seeking foreclosure on agricultural property that may contain your dwelling. Under North Dakota Law, you have the right to separate known lots or parcels of property, including a lot or parcel containing your dwelling and the surrounding property, and have those known lots or parcels sold in the order or sequence you want at the foreclosure sale. The lots or parcels you designate must be described by an accurate legal description. You have the right to redeem the lots or parcels you designate and describe accurately, including the lot or parcel that contains your dwelling, separate from the remaining property that is being foreclosed upon, by paying the purchase price within the redemption period, which is generally one year from the date of the sale. The purchase price for the known lots or parcels is the price bid at the foreclosure sale for those lots or parcels. You should consult with an attorney so you do not lose these valuable rights. You must provide the sheriff and the register of deeds with a legal description of the known lots or parcels you wish to redeem at least ten business days before the date of the scheduled sheriff's sale.

If the creditor is foreclosing by action, an additional copy of the notice must be served with a summons and complaint. If the creditor is foreclosing by advertisement, an additional copy of the notice must be served no later than forty-five days prior to the date of the schedule sale. The notice must be served in the same manner as service of a summons and complaint.

SECTION 4. Designation of know lots or parcels to be separately redeemed. The debtor may designate the known lots or parcels that are to be sold separately at the foreclosure sale. The known lots or parcels designated may include the home of the debtor, and may include its appurtenances and the surrounding contiguous land. The debtor shall serve a copy of the legal description of the designated lots or parcels on the sheriff and the register of deeds at least ten business days before the date of the scheduled sheriff's sale.

SECTION 5. Sale of property. Any sheriff who receives a designation of the legal description for the known lots or parcels pursuant to section 4 of this Act shall offer and sell those lots or parcels separately from the remaining property. At the foreclosure sale, or in writing at least ten days prior to the sale, the debtor may direct the division of the property into known lots or parcels and may direct the order in which the lots or parcels and the remaining property, or other property may be sold, as provided by section 28-23-07. In order to direct the division of property into known lots or parcels and to direct the order in which those lots or parcels are to be sold, the lots or parcels must have an accurate legal description.

SECTION 6. Redemption of known lots or parcels designated by the debtor after foreclosure. If, on the effective date of this Act, in any proceeding where a debtor has had agricultural property foreclosed upon but the period of redemption has not expired, and the debtor has not received the notice required by section 3 of this Act, the debtor may agree in writing with the purchaser of the agricultural property to separately redeem known lots or parcels that the debtor has designated, including a lot or parcel that contains the debtor's home, appurtenances, and other property. The agreement must be recorded and must include a legal description of the property redeemed and the amount to be paid to redeem the property.

SECTION 7. Rights of redemptioners or purchasers. No redemptioner or purchaser may subsequently redeem or purchase the designated property if the debtor exercises the right to redeem or purchase it.

SECTION 8. Deficiency judgments. A creditor's right to seek a deficiency judgment on the remaining land and debt is not affected by this Act.

SECTION 9. EXPIRATION DATE. This Act is effective through June 30, 1989, and after that date is ineffective.

SECTION 10. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly

SEN. AXTMAN, Vice Chairman

SB 2469 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 2507 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 9, after line 14, insert the following new section:

"SECTION 10. Exemption. The requirements of this chapter do not apply to federally controlled wetlands encountered during the conduct of surface coal mining and reclamation operations regulated and permitted by the North Dakota public service commission, subject to provisions of chapter 38-14.1."

And renumber the lines, sections, and pages accordingly

SEN. AXTMAN, Vice Chairman

SB 2507 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 2034 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2034 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 2035 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2035 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 2059 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2059 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 2089 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2089 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2091 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. SATROM, Chairman

SB 2091 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2184 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2184 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2185 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2185 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 2352 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2352 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 2366 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2366 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 2367 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2367 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 rereferred SB 2396 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2396 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2431 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. TALLACKSON, Chairman

SB 2431 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was rereferred SB 2440 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2440 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 2447 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. TALLACKSON, Chairman

SB 2447 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 2472 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2472 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 2503 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HEINRICH, Chairman

SB 2503 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 2524 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2524 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2525 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. SATROM, Chairman

SB 2525 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2543 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2543 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 SCR 4035 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SCR 4035 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SCR 4046 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SCR 4046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SCR 4048 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SCR 4048 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 HB 1050 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1050 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 1069 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

HB 1069 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 1120 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1120 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 1145 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1145 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 1146 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1146 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 1155 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1155 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 1182 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

HB 1182 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 1260 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1260 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 1261 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1261 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 1561 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

HB 1561 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. TALLACKSON MOVED that SB 2269 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

SEN. TALLACKSON MOVED that SB 2269 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to incremental bonding of impact projects for unemployment compensation purposes.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Holmberg; Mathern; Maxson; Meyer, J.; Meyer, W.; Nalewaja; Peterson; Stenehjem; Tennefos

SB 2128 passed and the title was agreed to.

MOTIONS

SEN. YOCKIM MOVED that SB 2304 be amended as follows:

- On page 1 of the engrossed bill, line 21, delete the words "the five years" and insert in lieu thereof the words "one year"
- On page 1 of the engrossed bill, line 22, delete the words "the mineral developer shall, at no cost to"
- On page 1 of the engrossed bill, line 23, delete the words "make such repairs, alterations, or" and insert in lieu thereof the words "is entitled to recover the cost of replacing the damaged water supply"
- On page 1 of the engrossed bill, delete lines 24 and 25
- On page 1 of the engrossed bill, line 26, delete the words "prior to the commencement of drilling operations"
- On page 2 of the engrossed bill, line 5, delete the word "is" and insert in lieu thereof the words "may be"
- On page 2 of the engrossed bill, line 7, delete the words ", and if an aquifer has"
- On page 2 of the engrossed bill, line 8, delete the words "been penetrated or disrupted"
- On page 2 of the engrossed bill, line 10, delete the words ", the burden of proof shifts to the defendant"

On page 2 of the engrossed bill, delete line 11

On page 2 of the engrossed bill, line 12, delete the words
"injured by the mineral developer's drilling operations"

And renumber the lines, sections, and pages accordingly

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

SEN. D. MEYER MOVED that the rules be suspended and that SB 2304 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2304: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to damages awarded by a court for a diminution in quantity or quality of a water supply; and to amend and reenact section 38-11.1-06 of the North Dakota Century Code, relating to the protection of water wells and surface and ground water sources from damage caused by oil and gas exploration.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Kelly; Lips; Mutch; Thane

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nalewaja; Tennesfos

SB 2304 passed and the title was agreed to.

SB 2328: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 46 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Keller; Mutch

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Tennefos

SB 2328 passed and the title was agreed to.

SB 2331: A BILL for an Act to amend and reenact subsection 1 of section 57-27-02 of the North Dakota Century Code, relating to the period of redemption when a city holds a tax sale certificate because of delinquent special assessments.

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 4 YEAS, 45 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Keller; Maxson; Shea; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Naaden; Tennefos

SB 2331 lost.

SB 2422: A BILL for an Act to regulate the termination of independent insurance agent contracts.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Tennefos

SB 2422 passed and the title was agreed to.

SB 2450: A BILL for an Act to create and enact a new section to chapter 47-18 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Tennefos

SB 2450 passed and the title was agreed to.

SB 2455: A BILL for an Act to create and enact a new section to chapter 35-01 of the North Dakota Century Code, relating to lien statement requirements.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Tennefos; Waldera

SB 2455 passed and the title was agreed to.

SB 2484: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements of insurance agents.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: Mathern

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Tennefos;
Waldera

SB 2484 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that SB 2390 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2390: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements of insurance agents.

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 0 YEAS, 48 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Bakewell; Hilken; Holmberg; Meyer, W.; Tennefos

SB 2390 lost.

SB 2505: A BILL for an Act authorizing the state treasurer to provide services to the North Dakota centennial commission to facilitate the centennial commission in successfully administering its various programs; to provide an expiration date; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, W.; Tennefos

SB 2505 passed, the title was agreed to, and the emergency clause carried.

SB 2510: A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to enforcement of rights of health care facility residents; and to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-03 of the North Dakota Century Code, relating to the rights of residents of health care facilities.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, W.; Tennefos

SB 2510 passed and the title was agreed to.

SB 2511: A BILL for an Act to provide for standards and compliance requirements for organic foods.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Holmberg; Meyer, W.; Tennefos; Vosper

SB 2511 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2541 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4006: A concurrent resolution urging the Governor of the State of North Dakota to designate September 17, 1987, as a commemorative day to commemorate the bicentennial of the Constitution of the United States.

Which has been read and has committee recommendation of DO PASS.

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

SCR 4006 was declared adopted on a voice vote.

SCR 4022: A concurrent resolution directing the Legislative Council to study criminal sentencing statutes in misdemeanor and felony cases.

Which has been read and has committee recommendation of DO PASS.

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

SCR 4022 was declared adopted on a voice vote.

MONDAY, FEBRUARY 16, 1987

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PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

February 16, 1987

The Honorable Ruth Meiers
President of the Senate
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam President:

I am today calling a special election on the income tax referral for Wednesday, the 18th of March, which is 30 days from today.

I still hope the Legislature will pass an income tax reform bill and avoid the cost of an election, but there appears to be a reluctance to do that without a vote on the referral. So there is really no alternative but to take the referred measure, however imperfect, to a vote.

It is necessary to call the election now so the vote can be held at the earliest possible date.

However, should the Legislature eventually restructure the income tax and thereby repeal the referred bill, the call for the special election will be revoked.

In addition, if the two-thirds vote on the sales tax is not passed to secure its revenue, and if a sales tax referral is subsequently filed, I will change this election date so that both measures can be voted on at the same time, saving \$600,000 in extra costs.

If the two-thirds vote is passed to secure the sales tax revenue, the election on the income tax referral will proceed as scheduled, and the vote on a sales tax referral would be held in conjunction with the primary election in June of next year.

Obviously, the Legislature could still restructure the sales tax, thereby repealing the bill passed in December. In that case, a referral vote on the sales tax would not be necessary.

Sincerely,

GEORGE A. SINNER
Governor

MOTIONS

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

SEN. SATROM MOVED that SB 2513 be moved immediately ahead of SB 2347 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2513: A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the definition of "average price," "extension well," and "wildcat well" for purposes of the oil extraction tax, the rate of the oil extraction tax, and an exemption from the oil extraction tax for oil produced from extension or wildcat wells; 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 5 YEAS, 43 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Kelly; Mushik; Satrom; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennesfos; Tweten

SB 2513 lost.

SB 2347: A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to a reduced rate of oil extraction taxes on qualifying wells and enhanced recovery operations; and to amend and reenact subsection 4 of section 38-08-04 of the North Dakota Century Code, relating to the duties of the industrial commission.

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 19 YEAS, 30 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Hilken; Keller; Kelly; Lashkowitz; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Reiten; Shea; Stromme; Tweten; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; Dotzenrod; Heigaard; Heinrich; Ingstad; Kelsh; Krauter; Langley; Lips; Lodoen; Mathern; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Stenehjerm; Streibel; Tallackson; Thane; Todd; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2347 lost.

SB 2400: A BILL for an Act to amend and reenact sections 20.1-10-03 and 20.1-10-04 of the North Dakota Century Code, relating to confiscation of property taken or used during game and fish violations.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Axtman; Heinrich; Maxson; Moore; Stenehjerm; Stromme

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2400 passed and the title was agreed to.

SB 2444: A BILL for an Act to amend and reenact subsection 74 of section 40-05-01 of the North Dakota Century Code, relating to the powers of municipalities in administering community development block grant transactions.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2444 passed and the title was agreed to.

SB 2445: A BILL for an Act to amend and reenact subsection 18 of section 11-11-14 of the North Dakota Century Code, relating to the power of a board of county commissioners in administering community development block grant transactions.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2445 passed and the title was agreed to.

SB 2464: A BILL for an Act to provide that a member of the legislative assembly may not receive compensation from another state entity or a political subdivision for any day for which compensation is earned for legislative service.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 12 YEAS, 37 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Kelly; Meyer, D.; Moore; Mutch; Peterson; Todd; Tweten; Vosper

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Naaden; Nalewaja; Nething; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2464 lost.

SB 2473: A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to the duration of an appointment of a guardian ad litem and the role of a guardian ad litem in proceedings under the Uniform Juvenile Court Act.

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, 48 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Mushik

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson;

Redlin; Reiten; Richard; Satrom; Schoenwald; Shea;
Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd;
Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson;
Tennefos

SB 2473 lost.

SB 2491: A BILL for an Act to provide for imposition by counties
of an excise tax on gravel taken out of the county.

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

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 12 YEAS, 37 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Bakewell; David; Freborg; Keller; Kelly;
Lashkowitz; Lodoen; Meyer, J.; Mushik; Peterson;
Reiten; Vosper

NAYS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich;
Hilken; Ingstad; Kelsh; Krauter; Langley; Lips;
Maixner; Mathern; Maxson; Meyer, D.; Moore; Mutch;
Naaden; Nalewaja; Nething; Olson; Redlin; Richard;
Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme;
Tallackson; Thane; Todd; Tweten; Waldera; Wogsland;
Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson;
Tennefos

SB 2491 lost.

SB 2493: A BILL for an Act to amend and reenact section
29-07-01.1 of the North Dakota Century Code, relating to
recoupment of expenses for defense of indigent defendants.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg;
Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly;
Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen;
Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore;

Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Holmberg; Meyer, W.; Nelson; Tennefos

SB 2493 passed and the title was agreed to.

SB 2495: A BILL for an Act to amend and reenact section 47-19-14.1 of the North Dakota Century Code, relating to recognition of notarial acts.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Bakewell; David; Holmberg; Meyer, W.; Nelson; Richard; Tennefos

SB 2495 passed and the title was agreed to.

MOTIONS

SEN. DOTZENROD MOVED that SB 2497 be moved to the foot of the calendar, which motion prevailed.

SEN. SATROM MOVED that SB 2501 be amended as follows:

On page 1, line 15, delete the words "single bidirectional meter" and insert in lieu thereof the words "dual detente (nonreversible) meters"

On page 1, line 16, delete the word "net"

On page 1, line 20, delete the word "net"

On page 1, line 22, delete the first word "at" and insert in lieu thereof the words "the greater of"

On page 1, line 23, delete the words "at a" and insert in lieu thereof the word "the"

On page 2, line 15, delete the words "net bill" and insert in lieu thereof the words "provide applicable rate"

On page 2, line 16, delete the words "net billing" and insert in lieu thereof the words "the rate applicable under section 2 of this Act"

And renumber the lines, sections, and pages accordingly

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

SEN. SATROM MOVED that the rules be suspended and that SB 2501 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2501: A BILL for an Act to provide for rates and conditions of service for cogenerators and small power producers.

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 13 YEAS, 36 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heigaard; Heinrich; Maixner; Mathern; Meyer, J.; Mushik; Satrom; Tweten; Waldera; Wright; Yockim

NAYS: Adams; Axtman; Bakewell; David; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2501 lost.

SB 2508: A BILL for an Act to create and enact a new subsection to section 26.1-18-12 of the North Dakota Century Code, relating to required provisions in evidences of coverage under a health maintenance organization health care plan.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Mathern; Mutch; Vosper; Wright

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2508 lost.

SB 2528: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemption of farm structures; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 18 YEAS, 31 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Hilken; Keller; Kelsh; Langley; Maixner; Mathern; Meyer, D.; Meyer, J.; Moore; Richard; Tallackson; Tweten; Vosper; Wogsland

NAYS: David; Freborg; Heigaard; Heinrich; Ingstad; Kelly; Krauter; Lashkowitz; Lips; Lodoen; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Thane; Todd; Waldera; Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2528 lost.

MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby HB 1668 passed, which motion prevailed on a verification vote.

HB 1668 was placed on the Fourteenth order of business for the succeeding legislative day.

SEN. HEIGAARD MOVED that the procedural Committee on Committees respectfully submit the name of Sen. Ingstad in lieu of Sen. Holmberg for the select committee to consider the Governor's nomination for the State Board of Higher Education, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 4:05 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

SECOND READING OF SENATE BILLS

SB 2530: A BILL for an Act to amend and reenact section 39-06-17 of the North Dakota Century Code, relating to the issuance of a restricted motor vehicle operator license to a minor at least fifteen but less than sixteen years of age.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Heinrich; Mathern

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2530 passed and the title was agreed to.

SB 2531: A BILL for an Act to provide for a county option motor vehicle fuel and special fuel tax and to provide for allocation of revenue from the tax to counties and cities; and to amend and reenact section 57-01-02.1 of the North Dakota Century Code, relating to tax collection agreements with the tax commissioner.

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, 47 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Redlin; Schoenwald

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nothing; Olson; Peterson; Reiten; Richard; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2531 lost.

MOTIONS

SEN. TALLACKSON MOVED that SB 2533 be amended as follows:

On page 1, line 1, delete the words "amend and reenact" and insert in lieu thereof the word "repeal"

On page 1, line 6, delete the word "AMENDMENT" and insert in lieu thereof the word "REPEAL"

On page 1, line 7, delete the words "amended and" and insert in lieu thereof the word "repealed"

On page 1, delete lines 8 through 17

And renumber the lines, sections, and pages accordingly

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

SEN. MAIXNER MOVED that the rules be suspended and that SB 2533 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2533: A BILL for an Act to repeal section 19-10-03.1 of the North Dakota Century Code, relating to required disclosure of certain contents of gasoline.

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 28 YEAS, 21 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Helgaard; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Maixner; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Thane; Tweten; Vosper; Waldera; Wogsland

NAYS: Adams; Freborg; Heinrich; Ingstad; Lashkowitz; Lodoen; Mathern; Maxson; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nothing; Olson; Peterson; Reiten; Stenehjem; Todd; Wright; Yockim

ABSENT AND NOT VOTING: Holmberg; Meyer, W.; Nelson; Tennefos

SB 2533 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the action taken by the Senate on SB 2533 be reconsidered, and that the motion to reconsider be laid on the table, which motion prevailed.

SEN. TALLACKSON MOVED that SB 2269 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. TALLACKSON MOVED that SB 2269 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

SEN. J. MEYER MOVED that SB 2166, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2009 as recommended by the Committee on Appropriations as printed on pages 770-771 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2011 as recommended by the Committee on Appropriations as printed on page 771 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2011 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2012 as recommended by the Committee on Appropriations as printed on pages 771-772 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2012 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2013 as recommended by the Committee on Appropriations as printed on pages 772-773 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2013 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2014 as recommended by the Committee on Appropriations as printed on pages 773-774 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2014 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2020 as recommended by the Committee on Appropriations as printed on page 774 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2025 as recommended by the Committee on Appropriations as printed on pages 774-776 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2025 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TALLACKSON MOVED that the amendments to SB 2028 as recommended by the Committee on Appropriations as printed on

page 776 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2028 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to SB 2037 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 777-778 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2037 was rereferred to the Committee on Appropriations.

MOTION

SEN. HEIGAARD MOVED that SB 2064, SB 2232, SB 2365, and SB 2476 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to SB 2190 as recommended by the Committee on Political Subdivisions as printed on pages 778-779 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2190 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to SB 2192 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 779 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2192 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2259 as recommended by the Committee on Transportation as printed on page 780 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SB 2259 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. STENEHJEM MOVED that SB 2265, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. NETHING MOVED that SB 2279, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. D. MEYER MOVED that SB 2346, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. HEIGAARD MOVED that the absent Senators be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, and after the reading of SB 2009, SB 2011, SB 2012, SB 2013, SB 2014, SB 2020, SB 2025, SB 2028, SB 2034, SB 2035, SB 2037, SB 2059, SB 2089, SB 2091, SB 2184, SB 2185, SB 2190, SB 2192, SB 2259, SB 2352, SB 2366, SB 2367, SB 2396, SB 2431, SB 2440, SB 2447, SB 2472, SB 2503, SB 2524, SB 2525, SB 2543, SCR 4035, SCR 4046, SCR 4048, HB 1050, HB 1069, HB 1120, HB 1145, HB 1146, HB 1155, HB 1182, HB 1260, HB 1261, and HB 1561, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 17, 1987, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Maixner introduced:

SCR 4052: A concurrent resolution directing the Legislative Council to study the health impact of indoor radon gas and radon progeny in homes and other buildings in North Dakota. Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

FIRST READING OF HOUSE BILLS

HB 1072: A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to the unlawful delivery of alcoholic beverages; and to repeal section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication. Was read the first time and referred to the Committee on Judiciary.

HB 1318: A BILL for an Act to create and enact chapter 4-12.3 of the North Dakota Century Code, relating to the keeping of alfalfa leafcutter bees; to provide a penalty; and to provide an appropriation. Was read the first time and referred to the Committee on Agriculture.

HB 1347: A BILL for an Act to amend and reenact sections 60-06-01, 60-06-05, and 60-06-06.1 of the North Dakota Century Code, relating to warehouses on railroad rights of way. Was read the first time and referred to the Committee on Agriculture.

HB 1410: A BILL for an Act to amend and reenact section 1 of chapter 421 of the 1985 Session Laws of North Dakota, relating to the issuance of commemorative centennial license plates; and to declare an emergency. Was read the first time and referred to the Committee on Transportation.

HB 1439: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against

driving records; to amend and reenact sections 39-06.1-09 and 39-08-09 of the North Dakota Century Code, relating to the definition of a moving violation and immediate notice of an accident; and to provide a penalty.

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

HB 1497: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading long guns.

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

HB 1584: A BILL for an Act to provide financial assistance to family farmers.

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

The Senate stood adjourned pursuant to Senator Heigaard's motion.

PERRY GROTEBERG, Secretary