

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 14, 1991

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

The prayer was offered by Rev. James Kraemer, The Church of the Nazarene, Mandan.

The roll was called and all members were present except Senators Maxson and Traynor.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2086, SB 2180, SB 2192, SB 2212, SB 2253, SB 2278, SB 2348, SB 2349, SB 2353, SB 2363, SB 2409, SB 2444, SB 2484, SB 2517, SB 2526, SB 2530, SB 2557, SB 2558, SB 2569.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1044, HB 1180, HB 1212, HB 1256, HB 1290, HB 1296, HB 1319, HB 1322, HB 1380, HB 1381, HB 1387, HB 1400, HB 1446, HB 1492, HB 1551.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SB 2164.

REPORTS OF STANDING COMMITTEES

SB 2507: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2507 was placed on the Eleventh order on the calendar.

SB 2520: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2520 was placed on the Eleventh order on the calendar.

SB 2570: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2570 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

SB 2058: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 467-470 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS.

REQUEST

SEN. KREBSBACH REQUESTED that the Senate divide the amendments to SB 2058, which request was granted.

DIVISION I

Page 1, line 2, after "10-30.3-11" insert ", 10-30.3-12"

Page 1, line 8, after the second comma insert "subsection 1 of section 6-09-15, sections"

Page 1, line 15, after "Code" insert "and section 8 of House Bill No. 1046, as approved by the fifty-second legislative assembly"

Page 1, line 18, remove "and"

Page 1, line 19, after "councils" insert ", and the appropriation to the regional rural development revolving loan fund"

Page 1, line 21, replace "and" with a comma and after "Laws" insert "and sections 1, 2, and 3 of House Bill No. 1046, as approved by the fifty-second legislative assembly"

Page 1, line 22, replace "and" with a comma

Page 1, line 23, after "fund" insert ", and the rural development revolving loan fund"

Page 5, after line 27, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 6-09-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Make, purchase, or hold loans:
 - a. To state or federally chartered lending agencies or institutions, or any other financial institutions.
 - b. To holders of Bank of North Dakota certificates of deposit and savings accounts up to ninety percent of the value of the certificates and savings accounts offered as security.
 - c. To actual farmers who are residents of this state, if the loans are secured by recorded mortgages giving the Bank of North Dakota a first lien on real estate in North Dakota in amounts not to exceed ~~sixty five~~ seventy percent of the value of the security.
 - d. That are insured or guaranteed in whole or in part by the United States, its agencies, or instrumentalities.
 - e. That are eligible to be guaranteed under chapter 15-62.1.
 - f. To individuals or bank holding companies for the purpose of purchasing or refinancing the purchase of bank stock of a bank located in the state.
 - g. To nonprofit organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501 (c)(3)], the proceeds of the loans to be used for construction, reconstruction, repair, renovation, maintenance, and associated costs on property under the control of the state parks and recreation department.
 - h. Under Public Law No. 99-198 [99 Stat. 1534, 7 U.S.C. 1932 et seq.] to nonprofit corporations for the purpose of relending loan funds to rural businesses.
 - i. Under title 7, Code of Federal Regulations, part 1948, subpart C; part 1951, subparts F and R; and part 1955, subparts A, B, and C, to finance businesses and community development projects in rural areas.
 - j. Obtained as security pledged for or originated in the restructuring of any other loan properly originated or participated in by the Bank.
 - k. To instrumentalities of this state.
 - l. As otherwise provided by this chapter or other statutes."

Page 6, line 5, remove "For the"

Page 6, remove lines 6 through 22

Page 6, line 26, after "loans" insert "and to supplement the interest rate on loans to beginning farmers made by the Bank of North Dakota under subdivision c of subsection 1 of section 6-09-15 and"

Page 7, line 5, overstrike "sixty-five" and insert immediately thereafter "seventy"

Page 7, line 14, remove the overstrike over "~~maximum~~"

Page 7, line 19, replace "twenty" with "twenty-five"

Page 10, line 1, after "is" insert "hereby established and is"

Page 10, line 24, after "is" insert "hereby"

Page 14, line 3, replace "Minority business" means a business within the boundaries of an with "North Dakota American Indian" means an enrolled member of a federally recognized North Dakota tribe with at least one-fourth degree blood quantum."

Page 14, remove lines 4 through 6

Page 14, line 7, after "4." insert "North Dakota American Indian business" means a business owned and controlled by a North Dakota American Indian or an Indian tribe doing business within the boundaries of a North Dakota Indian reservation, doing business within a community in North Dakota situated on or adjacent to a North Dakota Indian reservation, doing business in a community with a majority of North Dakota American Indian citizens, or doing business within the state.

5."

Page 14, line 12, replace "5" with "6"

Page 14, line 18, replace "6" with "7"

Page 14, line 19, replace "7" with "8"

Page 15, line 19, remove "with at least"

Page 15, line 20, replace "one-fourth degree of native American blood" with "who is enrolled in a federally recognized North Dakota tribe with at least one-fourth degree American Indian blood quantum"

Page 17, line 11, replace "minority" with "North Dakota American Indian"

Page 17, line 13, after "the" insert "first year of the"

Page 17, after line 18, insert:

"SECTION 22. Section 10-30.3-12 of the North Dakota Century Code is created and enacted as follows:

Regional rural development revolving loan fund - Continuing appropriation. A regional rural development revolving loan fund is established. All moneys transferred to the fund, interest on moneys in the fund, and payments to the fund of principal and interest on loans made by the fund are hereby appropriated for the purpose of providing financial assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanding primary sector businesses in areas in the state which are not within five miles of any city with a population of more than eight thousand. These funds must be allocated equally for the benefit of each of the areas delineated as regions by executive order of the governor pursuant to section 54-40.1-02. The director of the department of economic

development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of this fund."

Page 35, line 26, after the underscored period insert "The appointment of the director must be confirmed by the senate. If the senate is not in session, the governor may make an interim appointment, and the interim appointee shall hold office until the senate confirms or rejects the appointment."

Page 36, line 5, after "compensation" insert "within the limits of legislative appropriations"

Page 39, line 1, replace "minority" with "North Dakota American Indian" and after "assist" insert "North Dakota"

Page 39, line 2, after "tribal" insert "and individual" and replace "minority" with "North Dakota American Indian"

Page 39, after line 22, insert:

"54-34.3-09. Patents. The department of economic development and finance, the science and technology corporation, the North Dakota economic development finance corporation, and the North Dakota products utilization commission may hold or assign all or a portion of their interest in patents or royalty rights acquired in the course of their operation and performance of duties as provided by law."

Page 46, after line 7, insert:

"SECTION 48. AMENDMENT. Section 8 of House Bill No. 1046, as approved by the fifty-second legislative assembly, is amended and reenacted as follows:

SECTION 8. APPROPRIATION. There is hereby appropriated, subject to the availability of state general fund revenues as provided in section 9 of this Act, out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$9,500,000 which shall be transferred by the state treasurer to the regional rural development revolving loan fund to carry out the purposes of sections 4 through 3 of this Act section 10-30.3-12 created in section 22 of Senate Bill No. 2058, as approved by the fifty-second legislative assembly, for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 46, line 10, replace "and" with a comma and after "Laws" insert ", and sections 1, 2, and 3 of House Bill No. 1046, as approved by the fifty-second legislative assembly,"

Page 47, line 2, replace "program" with "revolving loan fund"

Page 47, replace lines 28 and 29 with:

"On and after the effective date of this Act, the department of economic development and finance is substituted for the economic development commission for the purpose of making expenditures from the unobligated funds of the appropriation made to the economic development commission in chapter 24 of the 1989 Session Laws."

Page 48, remove lines 1 through 3

Re-number accordingly

DIVISION II

Page 17, line 7, after the underscored period insert "The rules must include a requirement that every full-time employee of a business receiving moneys or other assistance from the primary sector development fund

must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the life of the loan, equity position, or other financial relationship and must establish procedures for determining compliance with this requirement and sanctions for failure to comply with it."

The question being on the adoption of Division I of the proposed amendments to SB 2058.

Division I of the proposed amendments to SB 2058 was adopted.

REQUEST

SEN. KREBSBACH REQUESTED a recorded roll call vote on Division II of the proposed amendments to SB 2058, which request was granted.

ROLL CALL

The question being on the adoption of Division II of the proposed amendments to SB 2058, the roll was called and there were 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Marks; Mathern; Meyer; Mushik; Mutch; Naaden; Nelson; O'Connell; Redlin; Robinson; Sotrom; Schoenwald; Streibel; Tallackson; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krauter; Krebsbach; Lindgren; Lips; Moore; Nalewaja; Nething; Peterson; Solberg; Stenehjøm; Tennefos; Thane

ABSENT AND NOT VOTING: Maxson; Traynor

Division II of SB 2058 was adopted.

MOTIONS

SEN. WOGSLAND MOVED that SB 2058, which is on the Sixth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2058 was rereferred.

SEN. WOGSLAND MOVED that SB 2077 and SB 2430, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2189, SB 2356, SB 2423, SB 2478, SB 2486, and SB 2547 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 471 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact subsections 10 and 11 of section 6-06-06 of the North Dakota Century Code, relating to the powers of a credit union.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Naaden; Satrom; Traynor

SB 2189 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2356: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 471 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to written contracts for the sale of property by auctioneers and auction clerks.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Mutch; Traynor

SB 2356 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2423: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 471-472 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact two new sections to chapter 24-05 of the North Dakota Century Code, relating to bidding for construction contracts for county roads; and to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to contracts for county road improvements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; Dotzenrod; Heinrich; Keller; Lindaas; Mathern; Meyer; O'Connell

ABSENT AND NOT VOTING: Maxson; Traynor

SB 2423 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2478: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 472 be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2478: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 and subsection 1 of section 57-38-34 of the North Dakota Century Code and subsection 3 of section 15-40.1-06 of the North Dakota Century Code as amended by section 1 of chapter 231 of the 1989 Session Laws of North Dakota, relating to the mill deduct and equalization of local effort based on income and taxpayer identification of school districts on income tax returns; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Freborg; Hanson, O.; Kelsh; Meyer; Moore; Solberg; Streibel

NAYS: David; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Traynor

SB 2478 lost.

CONSIDERATION OF AMENDMENTS

SB 2486: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 472-473 be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees for traffic violations and definition of moving violation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Heinrich; Jerome; Lindaas; Lips; Marks; Mathern; Redlin; Robinson; Satrom; Schoenwald; Tallackson

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Solberg; Stenehjerm; Streibel; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Traynor

SB 2486 lost.

CONSIDERATION OF AMENDMENTS

SB 2547: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 473 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2547: A BILL for an Act to create and enact section 26.1-39-16.1 of the North Dakota Century Code, relating to property and casualty insurance policies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 15 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Jerome; Keller; Kelly; Langley; Lindgren; Mathern; Mushik; Nalewaja; Peterson; Stenehjem; Yockim

NAYS: DeKrey; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Marks; Meyer; Moore; Mutch; Naaden; Nelson; Nothing; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: Maxson; Traynor

SB 2547 lost.

CONSIDERATION OF AMENDMENTS

HB 1195: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 473-474 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

SEN. WOGSLAND MOVED that SB 2418, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2339 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under health benefit policies, certificates, or contracts; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Lips; Moore

ABSENT AND NOT VOTING: Dotzenrod; Traynor

SB 2339 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that SB 2421, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2087 and SB 2533, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2100: A BILL for an Act to create and enact a new section to chapter 39-05 and new chapters 41-02.1, 41-03, 41-04, and 41-04.1 of the North Dakota Century Code, relating to the Uniform Commercial Code, article 2A - leases, article 3 - negotiable instruments, article 4 - bank deposits and collections, and article 4A - funds transfers; to amend and reenact subsection 3 of section 6-07-52, subsection 2 of section 41-01-05, subsections 20, 24, 37, 43, and 44 of section 41-01-11, section 41-01-17, subsection 3 of section 41-02-03, subsection 4 of section 41-02-48, subsection 3 of section 41-02-59, subsection 3 of section 41-05-03, subdivision a of subsection 2 of section 41-05-14, subsection 3 of section 41-09-05, section 41-09-13, subsection 1 of section 41-09-16, subdivision f of subsection 1 of section 41-09-23, and section 41-09-30, subsection 1 of section 41-09-33, and section 47-15-01 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal the present chapters 41-03 and 41-04, chapter 41-06, and section 41-09-11 of the North Dakota Century Code, relating to negotiable instruments, bank deposits and collections, and bulk transfers; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Peterson; Streibel; Traynor

SB 2100 passed and the title was agreed to.

SB 2145: A BILL for an Act to amend and reenact sections 36-04-03 and 36-04-05 of the North Dakota Century Code, relating to licensing and bonds of livestock dealers

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks;

Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; Meyer

ABSENT AND NOT VOTING: Dotzenrod; Traynor

SB 2145 passed and the title was agreed to.

SB 2158: A BILL for an Act to amend and reenact section 23-16-11 of the North Dakota Century Code, relating to civil penalties for violating nursing facility licensing requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: David; DeKrey; Hanson, O.; Kinnoin; Meyer; Moore; Mutch; Naaden; O'Connell; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Dotzenrod; Satrom; Traynor

SB 2158 passed and the title was agreed to.

SB 2178: A BILL for an Act to create and enact a new section to chapter 36-05 and a new subsection to section 36-05-02 of the North Dakota Century Code, relating to temporary livestock auction market licenses and premises excluded from the regulation of livestock auction markets; and to amend and reenact section 36-05-05 of the North Dakota Century Code, relating to livestock auction market license expiration and renewal.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Hanson, O.; Meyer

ABSENT AND NOT VOTING: Dotzenrod; Satrom; Traynor

SB 2178 passed and the title was agreed to.

SB 2234: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Satrom; Traynor

SB 2234 passed and the title was agreed to.

SB 2257: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Satrom; Traynor

SB 2257 passed and the title was agreed to.

SB 2266: A BILL for an Act to create and enact a new subsection to section 26.1-01-07, a new subsection to section 26.1-03-17, and a new section to chapter 26.1-08 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, and the comprehensive health association; to amend and reenact subsections 15 and 16 of section 26.1-01-07, subsection 2 of section 26.1-03-17, sections 26.1-04-11, 26.1-07-04, subdivision c of subsection 2 of section 26.1-10-02, sections 26.1-16-24, 26.1-17-23, 26.1-17-31, 26.1-19-10, 26.1-26-03, 26.1-33-02, subsections 9 and 13 of section 26.1-33-05, sections 26.1-33-12, 26.1-33-37, subdivisions e and o of subsection 1 of section 26.1-36-04, sections 26.1-36-29, 26.1-36-36.2, subsections 1 and 2 of section 26.1-38.1-01, subsections 2, 3, and 4 of section 26.1-38.1-05, subsection 2 of section 26.1-38.1-16, sections 26.1-42-01, 32-12.1-05, and subsection 1 of section 32-12.1-15 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, immunity from prosecution, investments of domestic insurance companies, insurance company annual statement filing date, licensing of sales representatives of nonprofit health service corporations, filing date for annual statements of nonprofit health service corporations, licensing of sales representatives of prepaid

legal service organizations, penalty for selling insurance without a license, solicitation of life insurance, interest on death claims, group life policy conversion privileges, suicide defense to life policy or certificates, accident and health insurance policy provisions, coordination of benefits in individual and group accident and health policies, noncustodial care coverage, life and health insurance guaranty association, property and casualty insurance guaranty association, and purchase of liability insurance and participation in self-insurance pools by political subdivisions and state agencies; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Naaden; Traynor

SB 2266 passed and the title was agreed to.

SB 2324: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of sick leave benefits upon leaving the employ of the state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Moore

ABSENT AND NOT VOTING: Heigaard; Traynor

SB 2324 passed and the title was agreed to.

MOTIONS

SEN. LIPS MOVED that SB 2331 be amended as follows:

Page 2, line 3, remove "to mitigate"

Page 2, line 4, remove "anticipated cash flow problems"

Renumber accordingly

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

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to amend and reenact subsection 4 of section 40-57-03 of the North Dakota Century Code, relating to authority of municipalities to enter certain loan agreements under the Municipal Industrial Development Act with hospitals, nursing homes, or other health care facilities owned by nonprofit corporations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Heigaard; Heinrich; Keller; Kelly; Kelsh; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland

NAYS: Bowman; David; DeKrey; Freborg; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Meyer; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Vosper; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2331 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2361, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2370: A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to persons under twenty-one years of age on premises where alcohol is sold or served.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Maxson; Meyer; Moore; Mushik; Nelson; Peterson; Schoenwald; Tallackson; Tomac; Vosper; Wogsland

NAYS: David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Krauter; Lindaas; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Satrom; Solberg; Stenehjem; Streibel; Tennefos; Thane; Yockim

ABSENT AND NOT VOTING: Heigaard; Traynor

SB 2370 lost.

SB 2411: A BILL for an Act to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, 53-01-17, 53-01-18, and 53-01-19 of the North Dakota Century Code, relating to a state athletic advisory board, regulation of boxing, kickboxing, and sparring, and duties of the secretary of state; to repeal sections 53-01-08, 53-01-10, 53-01-12, 53-01-13, 53-01-15, and 53-01-16 of the North Dakota Century Code, relating to regulation of boxing, kickboxing, and sparring; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Langley; Meyer; Traynor

SB 2411 passed and the title was agreed to.

SB 2429: A BILL for an Act to amend and reenact subsection 4 of section 30.1-12-08 of the North Dakota Century Code, relating to proceedings to establish inheritance or succession of titled property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Langley; Meyer; Traynor

SB 2429 passed and the title was agreed to.

SB 2482: A BILL for an Act to amend and reenact sections 5-02-01.1, 5-02-05.1, and 5-02-05.2 of the North Dakota Century Code, relating to permits for special events and the definition of restaurant.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Hanson, E.; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Maxson; Moore; Mushik; Nalewaja; Nething; Peterson; Redlin; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Thane; Wogsland

NAYS: David; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heinrich; Mathern; Mutch; Naaden; Nelson; O'Connell; Robinson; Streibel; Tennefos; Tomac; Vosper; Yockim

ABSENT AND NOT VOTING: Heigaard; Langley; Meyer; Traynor

SB 2482 passed and the title was agreed to.

SB 2510: A BILL for an Act to amend and reenact section 10-24-41, subsection 2 of section 10-30.1-01, section 57-38-01, subsections 1 and 2 of section 57-38-01.7, section 57-38-01.17, subsection 5 of section 57-38-04, section 57-38-34, subsection 1 of section 57-38-38, subsection 7 of section 57-38-40, sections 57-38-44, 57-38-62, and 57-38-64 of the North Dakota Century Code, relating to elimination of the corporate income tax; and to repeal sections 57-38-01.3, 57-38-01.4, 57-38-11, 57-38-12, 57-38-13, 57-38-14, 57-38-30, 57-38-30.1, 57-38-30.5, 57-38-32, and chapter 57-38.4 of the North Dakota Century Code, relating to the corporate income tax; to provide for application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Hanson, O.; Mutch; Naaden; Solberg; Streibel; Tennesfos

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Traynor

SB 2510 lost.

SB 2513: A BILL for an Act to amend and reenact section 61-32-07 of the North Dakota Century Code, relating to frivolous complaints concerning noncomplying drains.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; Hanson, O.; Moore; Naaden; Nelson; Redlin; Solberg; Streibel; Tennesfos; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Traynor

SB 2513 passed and the title was agreed to.

SB 2529: A BILL for an Act to provide penalties for excess assessments for escrow accounts on residential real estate mortgage loans.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krebsbach; Lindaas; Mushik; Naaden; Nalewaja; Peterson; Redlin; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Jerome; Kinnoin; Krauter; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mutch; Nelson; Nething; O'Connell; Robinson; Solberg; Streibel; Tennefos; Tomac; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Traynor

SB 2529 lost.

SB 2534: A BILL for an Act to create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to fees assessed by the board of dental examiners; to amend and reenact sections 43-20-02, 43-20-06, 43-20-07, 43-20-12.1, 43-20-12.2, subsection 5 of section 43-28-02, sections 43-28-03, 43-28-04, 43-28-05, 43-28-06, 43-28-11, 43-28-12, 43-28-12.1, 43-28-12.2, 43-28-14, 43-28-15, 43-28-16, 43-28-17, 43-28-18, 43-28-22, and 43-28-24 of the North Dakota Century Code, relating to the regulation of dental hygienists and the regulation of the practice of dentistry; and to repeal section 43-20-04 of the North Dakota Century Code, relating to the recording of dental hygienist licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Tallackson; Traynor

SB 2534 passed and the title was agreed to.

SB 2553: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to prohibited practices for manufacturers, wholesalers, or distributors of farm implements, machinery, or repair parts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Traynor

SB 2553 passed and the title was agreed to.

SB 2565: A BILL for an Act to create and enact three new sections to chapter 15-39.1 of the North Dakota Century Code and a new subsection to section 21-10-06 of the North Dakota Century Code as amended by section 7 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the teachers' retiree health benefits fund; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to the teachers' retiree health benefits fund; to provide an appropriation; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 24 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Lindaas; Lips; Mathern; Mushik; Redlin; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, O.; Kinnoin; Krauter; Krebsbach; Lindgren; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Solberg; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Traynor

SB 2565 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution urging Congress and the President to take action to encourage citizens to plan for retirement needs to reduce the reliance of senior citizens on public financial assistance.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

SCR 4024 was declared adopted.

MOTIONS

SEN. WOGSLAND MOVED that the absent members be excused, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 12:30 p.m., Friday, February 15, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2061: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2061 was placed on the Eleventh order on the calendar.

SB 2066: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Renumber accordingly

SB 2221: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Eleventh order on the calendar.

SB 2275: Committee on Judiciary (Rep. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 51-18-04.1, 51-18-04.2, and 51-18-04.3 and two new sections to chapter 51-18 of the North Dakota Century Code, relating to telepromoting transactions; to amend and reenact sections 51-15-04, 51-15-05, 51-15-06.1, 51-15-07, 51-15-08, 51-15-11, 51-18-01, and 51-18-08 of the North Dakota Century Code relating to the authority of the attorney general, enforcement of remedies, the definition of a telepromoter, and exceptions from regulation of home solicitation sales; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-15-04 of the North Dakota Century Code is amended and reenacted as follows:

51-15-04. Powers of attorney general. When it appears to the attorney general that a person has engaged in, or is engaging in, any practice declared to be unlawful by this chapter or any of the provisions of chapter 51-13 or, 51-14, or 51-18 or when he the attorney general believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in, any such unlawful practice under chapter 51-13, 51-14, or 51-18, he the attorney general may:

1. Require such that person to file, on such forms as he the attorney general prescribes, a statement or report in writing, under oath or otherwise, as to of all the facts and circumstances concerning the sale or advertisement of merchandise by such that person, and such as well as other data and information as he the attorney general may deem determine necessary.
2. Examine under oath any person in connection with the sale or advertisement of any merchandise.
3. Examine any merchandise or sample thereof, record, book, document, account, or paper as he the attorney general may deem determine necessary.
4. Pursuant to an order of a district court impound any record, book, document, account, paper, or sample of merchandise material to such that practice and retain the same in his the attorney general's possession until the completion of all proceedings undertaken under this section or in the courts.

SECTION 2. AMENDMENT. Section 51-15-05 of the North Dakota Century Code is amended and reenacted as follows:

51-15-05. Subpoena - Hearing - Rules. To accomplish the objectives and to carry out the duties prescribed by this chapter and the provisions of or chapter 51-13 or, 51-14, or 51-18, the attorney general, in addition to other powers conferred upon him the attorney general by this chapter, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, and prescribe such forms and promulgate such

adopt rules and regulations as may be necessary, which rules and regulations have the force of law.

SECTION 3. AMENDMENT. Section 51-15-06.1 of the North Dakota Century Code is amended and reenacted as follows:

51-15-06.1. Assurance of discontinuance. The attorney general may accept an assurance of discontinuance of any act or practice he deems the attorney general determines to be in violation of any provision of this chapter or any of the provisions of chapter 51-12, 51-13, or 51-14, or 51-18 from any person he the attorney general alleges is engaging in, or has engaged in, the act or practice. The assurance of discontinuance must be in writing and must be filed with and is subject to the approval of the district court of the county in which the alleged violator resides or has his as a principal place of business or in Burleigh County. An assurance of discontinuance may not be considered an admission of a violation. However, failure to comply with an assurance of discontinuance which has been approved by the district court is punishable as criminal contempt.

SECTION 4. AMENDMENT. Section 51-15-07 of the North Dakota Century Code is amended and reenacted as follows:

51-15-07. Remedies - Injunction - Other relief - Receiver. Whenever it appears to the attorney general that a person has engaged in, or is engaging in, any practice declared to be unlawful by this chapter or the provisions of chapter 51-13 or, 51-14, he or 51-18, the attorney general may seek and obtain in an action in a district court an injunction prohibiting such that person from continuing such practices the unlawful practice or engaging therein in the unlawful practice or doing any acts act in furtherance thereof of the unlawful practice after appropriate notice to such that person. Such notice The notice must state generally the relief sought and be served at least ten days prior to before the hearing of such the action. The court may make such orders or judgments an order or judgment as may be necessary to prevent the use or employment by a person of any unlawful practices, or which may be necessary to restore to any person in interest any moneys money, or property, real or personal, which that may have been acquired by means of any practice in this chapter declared to be unlawful, including the appointment of a receiver.

When it appears to the attorney general that a person has engaged in, or is engaging in, a practice declared to be unlawful by this chapter or the provisions of chapter 51-13 or, 51-14, or 51-18, and that such the person is about to conceal his assets or his person or leave the state, the attorney general may apply to the district court, ex parte, for an order appointing a receiver of the assets of such that person. Upon a showing made by affidavit or other evidence that such the person has engaged in, or is engaging in, a practice declared to be unlawful by this chapter and that such the person is about to conceal his assets or his person or leave the state, the court shall order the appointment of a receiver to receive the assets of such the person.

SECTION 5. AMENDMENT. Section 51-15-08 of the North Dakota Century Code is amended and reenacted as follows:

51-15-08. Powers of receiver. When a receiver is appointed by the court pursuant to this chapter, he shall have the power to the receiver may sue for, collect, receive, or take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, records, documents, papers, choses in action, bills, notes and property of every description, derived by means of any practice declared to be unlawful by this chapter or the provisions of chapter 51-13 or, 51-14, or 51-18, including property with which such the property has been mingled if it cannot be identified in kind because of such the commingling, and to sell, convey, and assign the same property and hold and dispose of the proceeds thereof under the

direction of the court. Any person who has suffered damages as a result of the use or employment of any unlawful practices and submits proof to the satisfaction of the court that ~~he~~ that person has in fact been damaged may participate with general creditors in the distribution of the assets to the extent ~~he~~ that person has sustained out-of-pocket losses. The court ~~shall have~~ has jurisdiction of all questions arising in ~~such~~ these proceedings and may make ~~such~~ orders and judgments therein as may be required.

SECTION 6. AMENDMENT. Section 51-15-11 of the North Dakota Century Code is amended and reenacted as follows:

51-15-11. Civil penalties. The court may assess for the benefit of the state a civil penalty of not more than five thousand dollars for each violation of this chapter or for each violation of chapter 51-12, 51-13, ~~or~~ 51-14, or 51-18. The penalty provided in this section is in addition to those remedies otherwise provided by this chapter or by chapter 51-12, 51-13, ~~or~~ 51-14, or 51-18.

SECTION 7. AMENDMENT. Section 51-18-01 of the North Dakota Century Code is amended and reenacted as follows:

51-18-01. Definitions. In this chapter, unless the context otherwise requires:

1. "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.
2. "Person" includes a corporation, company, partnership, firm, association, or society, as well as a natural person. When the word "person" is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or any territory, state, or country, or any political subdivision of this state which may lawfully own any property, or a public or private corporation, or partnership or association. When the word "person" is used to designate the violator or offender of any law, it includes corporation, partnership, or any association of persons.
3. "Personal solicitation sale" means a sale, lease, or rental of consumer goods or services in which the seller or his representative solicits the sale, lease, or rental, by telephone or in person, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the person soliciting the same and that agreement or offer to purchase is there given to the seller or his representative. A transaction is not a personal solicitation sale if it is made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, lease, or rental.
4. "Telepromoter" means any person who, individually, through salespersons or agents, or through the use of an automatic dialing-announcing device initiates telephone contact with a consumer or who by written notice requests that the consumer contact the person by telephone and who represents one or more of the following:
 - a. That if the consumer buys one or more items from the telepromoter, the consumer will also receive additional or other items, whether or not of the same type as purchased, without further cost or at a cost which the

seller states or implies is less than the regular price of those items.

b. That a consumer will receive a prize, premium, or gift if the telepromoter also encourages the consumer to do either of the following:

(1) Purchase or rent any goods or services.

(2) Pay any money, including a delivery or handling charge.

c. That the consumer has in any manner been specially selected to receive the written notice or the offer contained in the written notice.

The term does not include any nonprofit or charitable organization exempt from federal taxation under section 501(c)(3) of the United States Internal Revenue Code [26 U.S.C. section 501(c)(3)].

SECTION 8. Section 51-18-04.1 of the North Dakota Century Code is created and enacted as follows:

51-18-04.1. Notice to consumer - Contract requirement for sales by telepromoter. In addition to the requirements of section 51-15-04, an agreement by a consumer to obtain a consumer good or service from a telepromoter is not enforceable unless it contains the following information:

1. The name, address, and telephone number of the telepromoter;
2. A statement of the price or fee, including any handling, shipping, delivery, or other charge being requested;
3. A detailed description of the consumer good or service; and
4. In a type size in a minimum of twelve points, in a space immediately preceding the space allotted for the consumer signature, the statement: "YOU ARE NOT OBLIGATED TO PAY ANY MONEY UNLESS YOU SIGN THIS CONTRACT AND RETURN IT TO THE SELLER."

SECTION 9. Section 51-18-04.2 of the North Dakota Century Code is created and enacted as follows:

51-18-04.2. Credit card charges. A telepromoter may not make or submit any charge to the consumer's credit card account until the telepromoter has received from the consumer an original copy of a contract that complies with this section.

SECTION 10. Section 51-18-04.3 of the North Dakota Century Code is created and enacted as follows:

51-18-04.3. Agreement by telepromoter in violation of chapter void. Any agreement for sale, lease, or rent of a consumer good or service by a telepromoter in violation of this chapter is unenforceable and void.

SECTION 11. AMENDMENT. Section 51-18-08 of the North Dakota Century Code is amended and reenacted as follows:

51-18-08. Exception Exceptions. The provisions of this chapter do not apply to sales:

1. Sales of insurance; nor does it apply to sales

2. Sales of goods or services with a purchase price of less than twenty-five dollars;
3. Sales of services provided by a cable television system licensed or franchised by any city;
4. Sale of a subscription to or advertising in a newspaper of general circulation; or
5. Sales of services or advertising by a broadcaster licensed by the federal communications commission.

SECTION 12. Two new sections to chapter 51-18 of the North Dakota Century Code are created and enacted as follows:

Place of transaction. Any sale subject to this chapter is considered to have taken place in the state where the consumer resides, regardless of the location of the seller.

Waiver. Any waiver of this chapter is unenforceable and void."

Renumber accordingly

SB 2276: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to penalties for bad faith use of tax exemptions for new industries;"

Page 2, line 2, remove the overstrike over "~~the state board of equalization~~" and insert immediately thereafter "and"

Page 2, replace lines 23 through 29 with:

"3. "Project operator" means a person, partnership, corporation, or other legal entity operating a development project which employs more than were employed by the development project before the beginning of the project."

Page 3, remove lines 1 through 3

Page 3, line 14, remove "for an urban development project and"

Page 3, remove line 15

Page 3, line 16, remove "operations for a rural development project"

Page 4, line 22, replace "is exempt" with "may be granted exemption"

Page 4, line 24, after "effect" insert "if the income and sales and use tax exemptions are approved by the state board of equalization" and after the period insert "Application for the exemption must be made by the governing body of the political subdivision on behalf of the development project to the state board of equalization, which after fully investigating the application shall determine whether granting the exemption is in the best interest of the state before approving the exemption."

Page 4, line 26, replace "ad" with "sales and use taxes"

Page 4, line 27, remove "valorem taxation", replace "chapter" with "section", and replace "governing body of" with "state board of equalization"

Page 4, line 28, remove "the political subdivision"

Page 8, after line 29, insert:

"SECTION 10. A new section to chapter 40-57.1 of the North Dakota Century Code is created and enacted as follows:

Penalties for bad faith use of tax exemptions. A project operator who is found in a civil action to have obtained any tax exemption under this chapter in bad faith or to have used any tax exemption under this chapter and then discontinued, moved, or otherwise operated the development project in a manner that evidences bad faith with the original grant of exemption is subject to penalties provided in this section. The court, upon finding the project operator liable under this section, shall order payment of all taxes that would have been payable by the project operator if not for any exemptions under this chapter plus interest at the rate of two percentage points above the prime rate of interest charged by the Bank of North Dakota at the time of the court order and may order payment of exemplary damages, attorney fees, costs, and any other relief the court deems proper. The court shall order that any payment of taxes and interest on taxes under this section must be apportioned among taxing authorities entitled to collect the taxes that would have been payable if not for any exemption under this chapter. For purposes of this section, "project operator" includes any corporate officer or director, any partner, or any other individual for whom the court finds individual liability is appropriate under the circumstances."

Renumber accordingly

SB 2279: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DD PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~4, 5, 6, and 7~~"

Page 1, line 22, remove "3, 4, 5, and 7"

Page 2, line 14, remove the overstrike over "~~"Average price" of a barrel of crude oil means the average daily~~"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "~~those prices appear in the Wall Street Journal, midwest edition~~"

Page 2, line 17, remove the overstrike over the period

Page 2, line 18, remove the overstrike over "3"

Page 2, line 21, remove the overstrike over "~~4~~" and remove "3."

Page 3, line 1, remove the overstrike over "~~5~~" and remove "4."

Page 3, line 9, remove the overstrike over "~~6~~" and remove "5."

Page 4, line 6, remove the overstrike over "~~7~~" and remove "6."

Page 4, line 9, remove the overstrike over "~~8~~" and remove "7."

Page 5, line 5, remove the overstrike over "~~however, if the average price of a barrel of~~"

Page 5, remove the overstrike over lines 6 through 9

Page 5, after line 9, insert:

"If the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more, then the rate of tax for the following months on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted. However, if after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period in any year, the rate of tax reverts to four percent of the gross value at the well of the oil extracted for any wells drilled and completed after April 27, 1987, and not otherwise exempt under section 57-51.1-03, and for a qualifying secondary recovery project or for a qualifying tertiary recovery project."

Page 5, line 22, remove the overstrike over "~~The exemption under this subsection becomes~~"

Page 5, remove the overstrike over lines 23 and 24

Page 5, line 25, remove the overstrike over "~~dollars or more.~~" and insert immediately thereafter "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more. However, the exemption must go back into effect, if after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period in any year."

Page 6, line 15, remove the overstrike over "~~The exemption provided by this subsection becomes~~"

Page 6, remove the overstrike over lines 16 and 17

Page 6, line 18, remove the overstrike over "~~dollars or more.~~" and insert immediately thereafter "The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil for any consecutive five-month period in any year is forty dollars or more. However, the exemption must go back into effect, if after the aforementioned trigger provision becomes effective, the average price of a barrel of crude oil is less than thirty-three dollars for any consecutive five-month period in any year."

Reumber accordingly

SB 2305: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 2, remove "production reports for the gross"

Page 1, line 3, remove "production tax and"

Page 1, line 8, remove "and"

Page 1, line 9, after "tax" insert "; and to provide an effective date"

Page 2, line 1, overstrike "reduced rate of oil extraction" and after "tax" insert "rate applicable"

Page 7, line 8, remove "or" and after "III" insert ", or VII"

Page 12, remove lines 22 through 29

Page 13, remove lines 1 and 2

Page 13, after line 4, insert:

"SECTION 7. EFFECTIVE DATE. This Act is effective for taxable periods beginning after June 30, 1991."

Re-number accordingly

SB 2335: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 27-08.1 of the North Dakota Century Code, relating to dismissal of a case without prejudice; and to"

Page 2, after line 20, insert:

"SECTION 3. A new section to chapter 27-08.1 of the North Dakota Century Code is created and enacted as follows:

Dismissal without prejudice. If the judge determines at any stage of the proceedings that the case may not be fairly disposed of in small claims court, the judge may dismiss the case without prejudice. A determination that a case may not be fairly disposed of in small claims court may be based on complexity of factual or legal issues or a determination that relief other than money damages or cancellation of an agreement is necessary to dispose of the case. If a case is dismissed under this section, the filing fee must be refunded to the plaintiff."

Re-number accordingly

SB 2341: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide an"

Page 1, line 3, remove "appropriation:"

Page 1, line 10, replace "and" with a comma

Page 1, line 11, after the second bracket insert ", and whose income does not exceed two hundred percent of the federal poverty level"

Page 2, line 4, replace "exceeds" with "is between one hundred eighty-five and"

Page 3, remove lines 1 through 5

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the \$5 million general fund appropriation in Section 3 of the bill.

SB 2345: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "32-19-21,"

Page 1, line 2, remove "57-24-03, 57-24-07,"

Page 1, line 6, after "redemption" insert "; and to provide an effective date"

Page 1, remove lines 8 through 18

Page 3, after line 9, insert "The failure to include the street address in the affidavit does not affect the validity of the affidavit."

Page 3, after line 28, insert "The failure to include the street address in the notice does not affect the validity of the notice."

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 13

Page 5, line 28, after the underscored period insert "However, the failure to include the street address in the notice does not affect the validity of the notice."

Page 6, line 9, after the underscored period insert "However, the failure to include the street address in the notice does not affect the validity of the notice."

Page 7, after line 15, insert "The failure to include the street address in the notice does not affect the validity of the notice."

Page 7, after line 24, insert "The failure to include the street address in the notice does not affect the validity of the notice."

SECTION 7. EFFECTIVE DATE. This Act becomes effective on January 1, 1992."

Re-number accordingly

SB 2362: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after "tax" insert "; and to declare an emergency"

Page 2, line 23, overstrike "twelve" and insert immediately thereafter "nine" and remove the overstrike over "of the third calendar"

Page 2, line 24, remove the overstrike over "month"

Page 2, line 29, overstrike "cost of the project exceeded"

Page 3, line 2, overstrike "thirty thousand dollars"

Page 3, line 7, after "subsection" insert "production of the worked over well increased at least fifty percent. To determine whether production increased at least fifty percent, the industrial commission shall compare the amount of oil that the well would have produced if it had not been worked over to the average daily production of the well during the first two calendar months after completion of the project. For purposes of this subsection, average daily production means barrels of oil divided by number of days in the relevant two months. If a well has not produced any oil during the last six calendar months, the well may be worked over and qualify for this exemption without the industrial commission making a determination as to whether production increased at least fifty percent"

Page 3, line 10, after "reentries" insert "; however, converting a vertical well to a horizontal well does not qualify for an exemption under this subsection"

Page 3, after line 14, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

SB 2374: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2374 was placed on the Eleventh order on the calendar.

SB 2379: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove ", udic haplorolls' fine-loamy, mixed,"

Re-number accordingly

SB 2381: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 20, remove "one hundred"

Re-number accordingly

SB 2433: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 14, remove "and address" and remove "and the"

Page 1, line 15, remove "posting date" and remove "The"

Page 1, remove lines 16 and 17

Page 2, line 1, overstrike "and address"

Page 2, line 2, remove "and the posting date"

Page 2, line 3, remove "The posting is effective for one year from the posting"

Page 2, line 4, remove "date appearing on the sign."

Re-number accordingly

SB 2439: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2439 was placed on the Eleventh order on the calendar.

SB 2440: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 10, after "offender" insert "convicted of a violation of section 12.1-20-05 or 12.1-20-07 shall comply with the registration requirement for a period of five years after conviction if not imprisoned during that period. If a sexual offender convicted of a violation of section 12.1-20-05 or 12.1-20-07 was imprisoned during the initial five-year period, the offender shall comply with the registration requirement for

a period of five years after release from incarceration. All other sex offenders"

Page 2, line 13, replace "If" with "Unless otherwise provided for in this chapter, if"

Page 2, line 15, replace "A" with "Unless otherwise provided for in this chapter, a"

Re-number accordingly

SB 2445: *Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, after "the" insert "governing" and after "district" insert "or school districts"

Page 3, line 3, remove "The public hearing is to be held not more than sixty"

Page 3, remove line 4

Page 3, line 5, remove "adoption of the resolution."

Page 3, line 11, replace "notice" with "review"

Page 3, remove lines 12 through 29

Page 4, remove lines 1 through 12

Page 4, line 13, remove "4."

Page 4, line 14, replace "during" with "at each" and after "school" insert a period

Page 4, remove line 15

Page 4, line 16, replace "or will be used. Upon request, any" with "Any"

Page 4, replace lines 20 through 28 with:

"SECTION 4. Exemption from participation.

1. Any parent or legal guardian may at any time exempt a student from participation in sex education by notifying, in writing, the school principal. The principal shall ensure that the student engages in other appropriate activities during sex education class times."

Page 5, remove lines 1 and 2

Page 5, line 5, replace "guardians declined to give" with "guardian exempted the student from participation in sex education."

Page 5, remove line 6

Page 5, remove lines 10 through 28

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 8

Page 7, line 20, replace "4" with "3"

Page 7, remove lines 28 and 29

Page 8, remove lines 1 through 6

Page 8, line 7, replace "4" with "3"

Page 8, line 15, remove "In addition to meeting"

Page 8, line 16, replace "the requirements of section 6 of this Act, the" with "The"

Page 8, remove lines 22 through 29

Page 9, remove lines 1 through 21

ReNUMBER accordingly

SB 2446: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEARS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 4, after "12.1-31-03" insert "and subsection 1 of section 27-08.1-01"

Page 1, line 6, after "minors" insert "and to the jurisdiction of small claims courts"

Page 1, line 18, after "~~actor~~" insert "The owner of an establishment in which a minor purchases a tobacco product for the minor's own use is liable for one hundred dollars in civil damages to the parents or guardian of the minor who obtained a tobacco product in violation of this section" and remove the overstrike over the period

Page 2, line 17, after the underscored period insert "The owner of an establishment in which a tobacco product vending machine is located is liable for one hundred dollars in civil damages to the parents or guardian of a minor who obtained a tobacco product in violation of this section."

Page 2, line 29, replace "action" with "prosecution"

Page 3, line 9, replace "driver's" with "motor vehicle operator's"

Page 3, after line 12, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 27-08.1-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. All judges of the county courts shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of ~~said~~ that jurisdiction ~~shall~~ must be known and referred to as the "small claims court". The jurisdiction of ~~such~~ the court is confined to cases for recovery of money, civil damages under section 12.1-31-03, or the cancellation of any agreement involving material fraud, deception, misrepresentation, or false promise, where the value of the agreement or the amount claimed by the plaintiff or the defendant does not exceed two thousand dollars.

Page 3, remove lines 13 through 21

ReNUMBER accordingly

SB 2451: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE

REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 3, remove "two hundred"

Page 2, line 4, overstrike "twenty-five" and insert immediately thereafter "one hundred fifty", after "each" insert "nonagricultural", and after "product" insert "registered and five hundred dollars for each agricultural use product registered"

Page 3, line 8, replace "1,500,000" with "1,265,000"

Page 3, line 23, remove ", in consultation with"

Page 3, line 24, remove "the pesticide control board," and replace "to" with "for pesticide residue"

Page 3, line 25, remove "demonstrate purity and quality"

Page 3, line 26, after the period insert "Minimum residue standards and other criteria regarding the testing program must be developed by the state health officer, in consultation with an advisory board appointed by the state health officer, which must be composed of a representative of a food processing company, a representative of the North Dakota agricultural experiment station, two representatives of North Dakota farm organizations, and a representative of the commissioner of agriculture."

Page 3, line 29, replace "150,000" with "385,000"

Page 4, line 3, after "pesticides" insert "and triple-rinsed pesticide containers"

Re-number accordingly

SB 2453: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2453 was placed on the Eleventh order on the calendar.

SB 2463: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2463 was placed on the Eleventh order on the calendar.

SB 2467: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2467 was placed on the Eleventh order on the calendar.

SB 2470: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to amend and reenact"

Page 1, remove lines 4 through 7

Page 1, line 8, remove "performed by registered nurses"

Page 1, remove lines 10 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 10

- Page 4, line 13, remove the underscore and replace "Direct" with a period
- Page 4, line 14, remove the underscore and replace "reimbursement required. The" with "Notwithstanding section 26.1-17-12.1, subsection 4 of section 26.1-18-12, subdivision n of subsection 1 of section 26.1-36-04, or subsection 15 of section 26.1-36-05, the"
- Page 4, line 15, remove the underscore, remove "or", and after "coverage" insert ", or certificate of coverage"
- Page 4, lines 16 through 22, remove the underscore
- Page 4, line 23, remove the underscore and remove "and the certified registered nurse anesthetist is entitled"
- Page 4, line 24, remove the underscore, replace "to direct reimbursement by the insurer. Reimbursement" with "who is so licensed. The insurance company, nonprofit health service corporation, or health maintenance organization shall recognize a claim for payment independently submitted by or on behalf of a certified registered nurse anesthetist and reimbursement", and replace "based on" with "for anesthesia services provided by a certified registered nurse anesthetist on the same basis as for similar professional health care services provided for in the policy, contract, evidence, or certificate of coverage."
- Page 4, remove lines 25 and 26
- ReNUMBER accordingly
- SB 2488: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2488 was placed on the Eleventh order on the calendar.
- SB 2497: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2497 was placed on the Eleventh order on the calendar.
- SB 2504: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.
- Page 1, line 14, replace "thirty" with "ninety"
- ReNUMBER accordingly
- SB 2505: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2505 was placed on the Eleventh order on the calendar.
- SB 2508: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2508 was placed on the Eleventh order on the calendar.
- SB 2522: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.
- Page 1, line 1, after "to" insert "create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to the adoption of rules by the department of health and consolidated laboratories with respect to recovering the costs of galactosemia testing; to"
- Page 1, line 3, after "galactosemia" insert "; and to provide an appropriation"

Page 3, after line 5, insert:

"SECTION 5. A new section to chapter 25-17 of the North Dakota Century Code is created and enacted as follows:

Testing charges. The department of health and consolidated laboratories shall adopt rules that establish reasonable fees and may impose those fees to cover the costs of administering tests under this chapter. All fees collected must be deposited in the general fund.

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 \$280,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories for the purpose of conducting galactosemia testing for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2542: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 5 of section 2 and"

Page 1, remove lines 5 through 13

Page 1, line 22, remove "has successfully completed one year of college;"

Page 2, line 2, overstrike "employed either by"

Page 2, overstrike line 3

Page 2, line 4, overstrike "the parent, by a state-approved private or parochial school" and after "~~passed~~" insert "achieved or exceeded the cutoff scores on"

Page 2, line 5, remove the overstrike over "~~the~~" and remove "achieved or exceeded the cutoff scores on a"

Page 2, line 9, replace "parents' educational" with "parent's" and after "failure" insert "to educate the child"

Page 4, line 22, replace "holding a" with "professionally licensed in North Dakota or equivalently licensed"

Page 4, line 23, remove "license"

Page 5, line 13, overstrike "each month" and remove the overstrike over "~~per week~~"

Page 5, line 14, overstrike "each" and insert immediately thereafter "the first"

Page 6, line 3, replace "in" with "at"

Renumber accordingly

SB 2559: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "~~Fire~~"

Page 2, remove the overstrike over line 8

Page 2, line 9, remove the overstrike over "~~full-time student in good academic standing.~~"

Renumber accordingly

SB 2561: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "relating to abortion facilities;" and after "enact" insert "eight new sections to chapter 14-02.1 and"

Page 1, line 3, after the first "to" insert "abortion facilities and to" and remove the first "and"

Page 1, line 4, remove "and section 14-02.1-07"

Page 1, line 5, after facility insert "; to provide a penalty;" and replace "records of abortions" with "to provide an appropriation"

Page 1, line 12, remove "sections 3 through 18 of"

Page 1, replace lines 20 through 22 with:

"SECTION 3. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Licensure of abortion facilities. After July 1, 1991, no person may establish or operate an abortion facility in this state without obtaining a license from the department annually. The state health council must adopt rules for the licensure of abortion facilities which address, at a minimum, facility construction standards, staffing requirements, consulting committee requirements, equipment requirements, laboratory testing standards, emergency care standards, informed consent requirements, standards for preoperative and postoperative care, and recordkeeping and reporting requirements.

SECTION 4. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Application for license. An applicant for a license to operate an abortion facility shall file an application with the department upon forms prescribed by the department. An application must be signed by the owner or, in the case of a corporation, by two of its officers. An application must set forth the full name and address of the owner of the facility for which the license is sought, the names of the persons in control of the facility, and such additional information as the department may require.

SECTION 5. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Licenses. A license issued under this chapter expires one year after the date of issuance or upon a uniform date prescribed by the health council by rule. A license may be issued only for the premises and persons named in the application, and is not transferable or assignable. A license must be posted in a conspicuous place on the licensed premises.

SECTION 6. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Inspections. The department shall make or cause to be made such inspections as may be prescribed by rule.

SECTION 7. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Authority to issue, deny, suspend, or revoke licenses. The department shall issue a license for the operation of a facility under this chapter if the facility complies with the provisions of this chapter and rules adopted by the health council. The state health officer, with the approval of the health council, after a hearing, may suspend or revoke licenses issued under this chapter on any of the following grounds:

1. Violation of any of the provisions of this chapter or the rules adopted under this chapter.
2. Permitting, aiding, or abetting the commission of an unlawful act.
3. Conduct or practices detrimental to the health or safety of clients and employees of the facility. However, this subsection may not be construed to have any reference to practices authorized by law and no license may be suspended or revoked for any trivial violation.

An application for a license may not be denied and a license may not be suspended or revoked, except after a hearing before the health council held pursuant to written notice to the applicant or licensee, served by registered or certified mail. The notice must concisely state the grounds for the denial or the proposed suspension or revocation and must fix the time and place of the hearing, which may not be less than thirty days after the date of the mailing of the notice. After the hearing, the health council shall make an order, either denying the application for a license or granting the license, or suspending or revoking the license or dismissing the proceedings to suspend or revoke as the merits of the case warrant. The health council shall send a copy of its order to the applicant or licensee by registered mail. The notice must contain the findings and conclusions of the health council. An order, except an order of dismissal, becomes final thirty days after the date of mailing unless the applicant appeals in the manner provided in section 8 of this Act.

SECTION 8. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Appeal. An appeal may be taken to the district court from any order of the state health officer or health council denying an application for a license to operate an abortion facility or suspending or revoking a license. An appeal must be taken in the manner provided in chapter 28-32.

SECTION 9. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Penalties. Any person establishing, conducting, managing, or operating any facility within the meaning of this chapter, without first obtaining a license, or who violates any of the provisions of this chapter is guilty of an infraction and is subject to civil money penalties.

SECTION 10. A new section to chapter 14-02.1 of the North Dakota Century Code is created and enacted as follows:

Injunction. The department, in accordance with the laws of the state governing injunctions and other process, may maintain an action in the name of the state against any person for establishing, conducting, managing, or operating any abortion facility without first having a license as provided in this chapter.

SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the amount of \$20,000 to the department of health and consolidated laboratories for the purpose of carrying out the requirements of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993."

Remove pages 2 through 15

Renumber accordingly

SCR 4025: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4025 was placed on the Eleventh order on the calendar.

SCR 4039: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4039 was placed on the Tenth order.

HB 1127: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert ", 4, and 5"

Page 1, line 2, replace "for" with "and other"

Page 1, line 3, replace "restriction purposes" with "restrictions"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert ", 4, and 5"

Page 1, line 6, replace "is" with "are"

Page 1, after line 10, insert:

"4. "Employee" means a person who performs services for an employer, who employs ~~ten~~ one or more individuals, for compensation, whether in the form of wages, salaries, commission, or otherwise. "Employee" does not include a person elected to public office in the state or political subdivision by the qualified voters thereof, or a person chosen by the officer to be on the officer's political staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. Provided, "employee" does include a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.

5. "Employer" means a person within the state who employs ~~ten~~ one or more full-time employees for more than one quarter of the year, and a person wherever situated who employs ~~ten~~ one or more employees whose services are to be partially or wholly performed in the state."

Renumber accordingly

HB 1134: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1134 was placed on the Fourteenth order on the calendar.

HB 1184, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1044: A BILL for an Act to adopt a state tourism policy.

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

HB 1180: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, authorizing the attorney general to adopt uniform rules of administrative practice or procedure for all administrative agencies subject to chapter 28-32.

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

HB 1212: A BILL for an Act to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the North Dakota Century Code, relating to the sentence reduction provisions for inmates at the state penitentiary and its affiliated facilities; and to repeal section 12-54.1-02 of the North Dakota Century Code, relating to good conduct sentence reduction.

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

HB 1256: A BILL for an Act to amend and reenact sections 16.1-01-10 and 44-08-21 of the North Dakota Century Code, relating to petitions for the recall of political subdivision elected officials.

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

HB 1290: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the conduct and play of the game of paddlewheels; and to amend and reenact subsection 1 of section 53-06.1-07, section 53-06.1-07.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to allowing eligible organizations to conduct the game of paddlewheels, player age restriction, hours of conduct, and state gaming stamp requirement.

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

HB 1296: A BILL for an Act to provide for informed consent to health care on behalf of an incapacitated person by certain classes of persons.

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

HB 1319: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to prohibiting minors from consuming alcohol.

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

HB 1322: A BILL for an Act to provide for administration of public employee personnel records.

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

HB 1380: A BILL for an Act to authorize the director of institutions to sell and convey certain land belonging to the state of North Dakota to Burleigh County for use as fairgrounds.

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

HB 1381: A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to liability for damages for encroachment upon county roads.

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

HB 1387: A BILL for an Act to amend and reenact sections 40-57.1-03 and 40-57.1-04.1 of the North Dakota Century Code, relating to the length of time for which property and income tax exemptions may be granted for agricultural processing or manufacturing facilities; and to provide for application of this Act.

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

HB 1400: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the annual observance of workers' memorial day.

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

HB 1446: A BILL for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to expungement from drivers' records of certain drivers' license suspensions.

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

HB 1492: A BILL for an Act to repeal section 39-06.2-13 of the North Dakota Century Code, relating to availability of commercial driver record information; and to declare an emergency.

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

HB 1551: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the director of department of transportation; and to amend and reenact section 24-07-36 of the North Dakota Century Code, relating to required signs on minimum maintenance roads.

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

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

MARION HOUN, Secretary