

**JOURNAL OF THE SENATE**

**Fifty-eighth Legislative Assembly**

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**Bismarck, January 24, 2003**

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Steve Wold, Calvary Lutheran Church, Grand Forks.

The roll was called and all members were present except Senators Holmberg and Nothing.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2071: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ page 128 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2169: SEN. COOK (Education Committee) MOVED** that the amendments on SJ pages 128-129 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2114:** A BILL for an Act to amend and reenact section 51-05.1-01.1 of the North Dakota Century Code, relating to auctioneer and auction clerk license fees.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2114 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2179:** A BILL for an Act to amend and reenact section 49-10.1-19 of the North Dakota Century Code, relating to the provision of a written critical incident stress debriefing policy.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2179 passed and the title was agreed to.

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**MOTION**

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

**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the driver of a motor vehicle fleeing or attempting to elude a law enforcement officer.

**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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Flakoll; Heitkamp; Krauter; Kringstad; Lee, J.; Mathern; Nelson; Nichols; Thane

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lindaas; Lyson; Mutch; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2164 lost.

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**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota Century Code, relating to persons under twenty-one years of age and licensed premises where alcohol beverages are sold.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2190 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2191:** A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to retention of a copy of a customer's state-issued identification by a financial institution trust company or credit union.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2191 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2204:** A BILL for an Act to amend and reenact sections 28-21-04.1, 32-09.1-07, 32-09.1-20, and 32-09.1-21 of the North Dakota Century Code, relating to the expiration of a garnishment.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2204 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2206:** A BILL for an Act to amend and reenact section 4-09-14 of the North Dakota Century Code, relating to requirements for the sale of seed.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2206 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2207:** A BILL for an Act to amend and reenact section 39-06-14 of the North Dakota Century Code, relating to license examinations.

**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 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Nothing

SB 2207 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to amend and reenact section 36-24-01 and subsection 3 of section 36-24-10 of the North Dakota Century Code, relating to poultry inspections.

### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2220 passed and the title was agreed to.

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### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2043, SB 2057, SB 2157, SB 2177, SB 2183, SB 2184, SB 2205.

### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1025, HB 1034, HB 1036, HB 1046, HB 1051, HB 1058, HB 1067, HB 1071, HB 1073, HB 1079, HB 1104, HB 1110, HB 1128, HB 1132, HB 1134, HB 1136, HB 1140, HB 1142, HB 1157.

### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1130, HB 1151, HB 1158.

### MOTION

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

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 27, 2003, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2046: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "4-30-48" insert "and 6-03-13.6"

Page 1, line 2, after the second comma insert "subsection 21 of section 11-11-14,"

Page 1, line 4, after the first comma insert "sections 20.1-02-05.1, 20.1-04-12.1, 20.1-08-04.6, 20.1-13-08, 20.1-13.1-09, 20.1-15-09, and 20.1-15-10,"

Page 1, line 6, replace the second "section" with "sections" and after "26.1-26-31.8" insert "and 26.1-36.5-01"

Page 1, line 7, after the second comma insert "section 38-08-09.9, subsection 7 of section 40-63-07,"

Page 1, line 8, after the first comma insert "subsection 4 of section 43-17-07.1," and remove "and"

Page 1, line 9, after "54-52.1-01" insert ", and subsection 2 of section 57-02-26"

Page 1, after line 24, insert:

**"SECTION 2. AMENDMENT.** Section 6-03-13.6 of the North Dakota Century Code is amended and reenacted as follows:

**6-03-13.6. Branch conversions.** Notwithstanding section 6-03-13.1, any bank organized under chapter 6-02, any national bank doing business in this state, or a bank established in this state by a bank holding company doing business in this state as of January 1, 1995, may convert a branch of a federal savings and loan association located in this state which was in existence as of March 1, 1995, purchased by the bank between January 1, 1995, and August 1, 1996, into a facility of the bank to be maintained at the same branch location if the acquisition and conversion does not violate the deposit limitations provisions contained in sections ~~6-08-296-08-30~~ and 6-08.3-03.1 and the acquisition and conversion of the branch is approved by the appropriate regulatory agencies."

Page 2, after line 27, insert:

**"SECTION 5. AMENDMENT.** Subsection 21 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

21. To participate and enact or adopt ordinances and resolutions necessary for participation in the nation's historic preservation program as a certified local government, as provided for under 36 CFR ~~64.5~~ 61.6."

Page 5, after line 14, insert:

**"SECTION 12. AMENDMENT.** Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-02-05.1. Land acquisitions - Statewide land acquisition plan.** The ~~commissioner~~ director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section.

**SECTION 13. AMENDMENT.** Section 20.1-04-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-04-12.1. Gun dog activities - Permit required - Fee.**

1. The ~~commissioner~~ director shall issue a permit for the following gun dog activities:
  - a. The training exercises of a resident or nonresident professional trainer;
  - b. The training exercises of a nonresident amateur trainer who brings more than four gun dogs into the state; and
  - c. Hosting field trials that use live wild birds.
2. The application for the permit must be in a form prescribed by the ~~commissioner~~ director and must be accompanied by the appropriate fee.
3. Upon the receipt of the completed application and fee the ~~commissioner~~ director shall issue a permit for a specified period of time and shall require the permitholder to submit an annual report.
4. The fees for the permits are:
  - a. For a resident professional gun dog trainer for training exercises or hosting field trials, ten dollars.
  - b. For a nonresident professional gun dog trainer for training exercises or hosting field trials, one hundred dollars.

- c. For a permit to a nonresident amateur who brings more than four gun dogs into this state, twenty-five dollars.
5. For purposes of this section, a professional trainer is a person who trains any breed of gun dog for remuneration that is the basis for that person's livelihood.

**SECTION 14. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle.** The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation a license to hunt elk in a manner, places, and times as the governor prescribes. The rocky mountain elk foundation shall hold a raffle under rules adopted by the ~~commissioner~~ director with only residents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all net proceeds must be used for elk management and related projects in North Dakota as described under rocky mountain elk foundation policies and objectives. The rocky mountain elk foundation shall submit reports concerning the raffle as the ~~commissioner~~ director requires. Except for landowners who receive special elk depredation management licenses issued to landowners under subsection 7 of section 20.1-03-11 and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery and one nontransferable license to hunt elk through the rocky mountain elk foundation raffle in a lifetime.

**SECTION 15. AMENDMENT.** Section 20.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13-08. Collisions, accidents, casualties, and liability.** The operator of a vessel involved in a collision, accident, or other casualty, so far as that person can do so without serious danger to that person's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and necessary to save them from or minimize any danger caused by the collision, accident, or other casualty. That person shall also give that person's name, address, and vessel identification in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of an amount specified by the ~~commissioner~~ director by rule, or a person disappears from the vessel under circumstances that indicate death or injury, the operator of the vessel shall file with the department a full description of the collision, accident, or other casualty, including such information as the ~~commissioner~~ director may require by rule.

Any operator of a vessel, or other person who complies with this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted may not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.

**SECTION 16. AMENDMENT.** Section 20.1-13.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-13.1-09. Judicial review.** Any person who has been prohibited from operating a motorboat or vessel by the decision of the hearing officer under section 20.1-13.1-08 may appeal within seven days after the date of the hearing under section 20.1-13.1-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after

receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

**SECTION 17. AMENDMENT.** Section 20.1-15-09 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-15-09. Judicial review.** Any person whose hunting privileges have been suspended, revoked, or denied by the decision of the hearing officer under section 20.1-15-08 may appeal within seven days after the date of the hearing under section 20.1-15-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-42, by serving on the ~~commissioner~~ director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the ~~commissioner~~ director and to the hearing officer who rendered the decision. Neither the ~~commissioner~~ director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the ~~commissioner~~ director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the ~~commissioner~~ director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the ~~commissioner~~ director or hearing officer. The court may direct that the matter be returned to the ~~commissioner~~ director or hearing officer for rehearing and the presentation of additional evidence.

**SECTION 18. AMENDMENT.** Section 20.1-15-10 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-15-10. Credit for suspension of hunting privileges.** After conviction of a person for violating section 20.1-01-06, the ~~commissioner~~ director, in suspending the person's hunting privileges, shall give credit for the time in which the suspension or revocation of hunting privileges has been or is being imposed under this chapter in connection with the same offense."

Page 7, after line 6, insert:

**"SECTION 25. AMENDMENT.** Section 26.1-36.5-01 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36.5-01. Definition.** For purposes of this chapter, unless the context otherwise requires, "insurer" means any health insurer, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 [Pub. L. 99-272; 100 Stat. 281; 29 U.S.C. 1167(1)], a health maintenance organization as defined in section ~~26.1-18-01~~ 26.1-18.1-01, a health service corporation as defined in section 26.1-17-01, and a provider of an accident and health insurance policy as defined in section 26.1-36-03."

Page 9, after line 3, insert:

**"SECTION 29. AMENDMENT.** Section 38-08-09.9 of the North Dakota Century Code is amended and reenacted as follows:

**38-08-09.9. Enlargement of area - Creation of new units - Amendment of plan.** The unit area of a unit may be enlarged at any time by the commission, subject to the limitations hereinbefore provided to include adjoining portions of the same common source of supply, including the unit area of another unit, and a new unit created for the unitized management, operation, and further development of such enlarged unit area, or the plan of unitization may be otherwise amended, all in the same manner, upon the same conditions and subject to the same limitations as provided with respect to the creation of a unit in the first instance, except, that where an amendment to a plan of unitization relates only to the rights and obligations as between lessees, or the

amendment to a plan of unitization or the enlargement of a unit area is found by the commission to be reasonably necessary in order to effectively carry on the joint effort, to prevent waste, and to protect correlative rights, and that such will result in the general advantage of the owners of the oil and gas rights within the unit area and the proposed enlarged unit area, and the persons and owners in the proposed added unit area have ratified or approved the plan of unitization as required by section 38-08-09.5, then such amendment to a plan of unitization or the enlargement of a unit area need not be ratified or approved by royalty owners of record in the existing unit area provided that written notice thereof is mailed to such royalty owners by the operator of a unit not more than forty days nor less than thirty days prior to the commission hearing. The notice must describe the plan for the unit amendment or enlargement together with the participation factor to be given each tract in the unit area and in the proposed area and must contain the time and place of the commission hearing. An affidavit of mailing verifying such notice must be filed with the commission. Said notice must further provide that in the event ten percent of the royalty interests or working interests in the existing unit area file with the commission at least ten days prior to the commission proceeding an objection to the plan of enlargement, the commission shall require that the unit amendment or enlargement be approved by ~~seventy~~ sixty percent of all royalty interests and working interests in the existing and proposed areas.

**SECTION 30. AMENDMENT.** Subsection 7 of section 40-63-07 of the North Dakota Century Code is amended and reenacted as follows:

7. Income to a renaissance fund organization derived from the sale or refinancing of zone properties financed wholly or in part by the organization may be ~~dispersed~~ disbursed as annual dividends equal to the income, minus ten percent, derived from all sources and proportional to the investment. In the event of a loss to the fund resulting in a temporary diminishment of the fund below the original principal amount, no annual dividend may be paid until the fund is restored."

Page 9, after line 23, insert:

**"SECTION 32. AMENDMENT.** Subsection 4 of section 43-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, including the federation of state medical boards action data bank, other data repositories, licensing and disciplinary authorities of other jurisdictions, professional education and training institutions, liability insurers, health care institutions, and law enforcement agencies be reported to the boarder ~~to the commission on medical competency.~~

Page 10, after line 23, insert:

**"SECTION 36. AMENDMENT.** Subsection 2 of section 57-02-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Property held under an easement or a lease for a term of years and any improvements upon that property which are used for any purpose relating to discovery, exploration, processing, or transportation of oil or gas must be considered the property of the ~~leasee~~ or easement holder. For the purposes of this subsection, "improvements" does not include property subject to the provisions of chapter 57-06 or property subject to the in lieu of ad valorem tax provisions of chapter 57-51."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2072: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2072 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2086: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2086 was placed on the Sixth order on the calendar.

Page 1, line 7, after "items" insert "; to provide an appropriation"

Page 1, after line 24, insert:

**"Workgroup - Membership - Facilitator.** A workgroup composed of three voting members from the department who are selected by the department and three voting members from the North Dakota association of community facilities who are selected by the association is created. All meetings of the workgroup are open to the public. Subject to legislative appropriations, the workgroup shall hire a facilitator to lead the discussions relative to a new fee-for-service payment system for treatment or care centers and a consultant to perform the financial modeling and evaluation of the current and future payment system. If the workgroup does not receive funding from the legislative assembly for a facilitator, the workgroup shall select one member from the department and one member from the association to serve as cochairmen of the workgroup."

Page 2, line 8, replace "department" with "workgroup"

Page 3, line 1, replace "department" with "workgroup"

Page 3, line 17, replace "or in any fashion that may be permitted by law. Prior to July 1, 2005, the" with ". The workgroup shall establish new protocols and methodologies for transitioning to a new payment system"

Page 3, remove line 18

Page 3, line 19, remove "reasonably necessary"

Page 3, line 29, after the second comma insert "the"

Page 3, line 30, after "procedures" insert ", as determined by the workgroup,"

Page 4, line 5, replace "2003-2005" with "2003-04"

Page 4, after line 11, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of human services for the purpose of hiring a facilitator to lead the discussions relative to a new fee-for-service payment system for treatment or care centers and for hiring a consultant to perform the financial modeling and evaluation of the current and future payment system, for the biennium beginning July 1, 2003, and ending June 30, 2005."

Page 4, line 12, replace "is" with "becomes" and after "effective" insert "on"

Page 4, after line 12, insert:

**"SECTION 6. EFFECTIVE DATE.** By March 1, 2005, the department shall certify to the legislative council whether the department and the North Dakota association of community facilities reached an agreement by January 1, 2005, on a new fee-for-service system and whether section 50-06-18 is repealed. If the department and the association fail to reach agreement on a new fee-for-service system by January 1, 2005, the system in effect on June 30, 2003, remains in effect and section 50-06-18 is not repealed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2131: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~of not less~~"

Page 1, line 11, remove the overstrike over "~~than~~", after "five" insert "fifty", remove the overstrike over "~~not more than~~", after "twenty five" insert "two hundred", remove the overstrike over "~~dollars~~", and after the period insert "If the national test is administered, the amount may not exceed five hundred dollars."

Page 1, line 15, remove the overstrike over "~~board shall establish registration fees provided:~~"

Page 1, line 16, remove the overstrike over "~~a. The~~" and remove the overstrike over "~~must be at least~~"

Page 1, line 17, after "~~twenty~~" insert "fifty", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", and remove the overstrike over "~~hundred dollars.~~"

Page 1, line 18, remove the overstrike over "~~b. The registration fee for~~" and remove the underscored comma

Page 1, line 19, remove the overstrike over "~~must be at least~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~dollars but not more than~~", after "~~fifty~~" insert "one hundred", and remove the overstrike over "~~dollars.~~"

Page 1, line 20, remove the overstrike over "~~e. The registration fee for~~" and remove ", and"

Page 1, line 21, remove the overstrike over "~~at least~~", after "~~fifty~~" insert "one hundred", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", remove the overstrike over "~~hundred dollars~~", and remove "established by the"

Page 1, line 22, remove "board"

Page 2, line 9, remove the overstrike over "~~of not less than~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~not more than~~", after "~~twenty-five~~" insert "fifty", and remove the overstrike over "~~dollars~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2132: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2143: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 17, replace the underscored period with "or being"

Page 1, line 18, remove "6. Being"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2176: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2187: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "ten" and insert immediately thereafter "thirty"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2199: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "committee" with "district supervisors"

Page 1, line 3, remove "members"

Page 1, line 11, remove "consecutive"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2209: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2213: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2213 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4001 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Brown, J. Lee and Rep. Keiser introduced:

**SB 2320:** A BILL for an Act to amend and reenact subsection 75 of section 40-05-01 of the North Dakota Century Code, relating to the powers of a city governing body.

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

Sens. Trenbeath, Bowman, Robinson and Reps. Monson, Tieman introduced:

**SB 2321:** A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code, relating to the limited liability of the owner of land used for recreational purposes.

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

Sens. Nelson, Andrist, Christenson, Every and Reps. Ekstrom, Nelson introduced:

**SB 2322:** A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 and section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting by nonresident students.

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

Sens. Traynor, Freborg, Heitkamp and Reps. Nelson, Pollert introduced:

**SB 2323:** A BILL for an Act to create and enact two new sections to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's authority to restrict cervidae carcass imports due to chronic wasting disease and the governor's authority to declare an animal health emergency; and to declare an emergency.

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

Sens. Wardner, Andrist, Krauter and Reps. Froseth, N. Johnson introduced:

**SB 2324:** A BILL for an Act to amend and reenact sections 46-05-01, 46-06-01, 46-06-02, and 46-06-03 of the North Dakota Century Code, relating to qualifications of legal newspapers, official newspapers in counties where no newspaper is published, and placement of newspapers on the ballot; and to repeal section 46-05-02 of the North Dakota Century Code, relating to newspaper affidavits filed with county auditors.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Tallackson, Dever and Reps. Aarsvold, Monson introduced:

**SB 2325:** A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to the penalty for driving without liability insurance.

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

Sens. Klein, Tallackson and Rep. DeKrey introduced:

**SB 2326:** A BILL for an Act to create and enact three new sections to chapter 4-11 of the North Dakota Century Code, relating to wholesale potato dealers; to amend and reenact sections 4-11-01, 4-11-02, 4-11-03, 4-11-04, 4-11-06, 4-11-07, 4-11-08, 4-11-09, 4-11-10, 4-11-12, 4-11-13, 4-11-14, 4-11-15, 4-11-16, 4-11-17, 4-11-18, 4-11-19, 4-11-20, 4-11-21, 4-11-22, 4-11-23, and 4-11-24 of the North Dakota Century Code, relating to wholesale potato dealers; to repeal sections 4-11-05 and 4-11-11 of the North Dakota Century Code, relating to wholesale potato dealers' licenses and fee schedules; to provide a penalty; to provide for a continuing appropriation; and to declare an emergency.

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

Sens. Krauter, Espegard, Holmberg and Reps. Boe, Herbel, Mueller introduced:

**SB 2327:** A BILL for an Act to amend and reenact section 54-18-02 of the North Dakota Century Code, relating to authorizing the state mill and elevator association to acquire ownership of equity in private business entities.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Every, Mathern introduced:

**SCR 4012:** A concurrent resolution establishing an official state wind power development objective of 10,000 megawatts of installed turbine capacity to be achieved by the year 2020 and directing all state departments, agencies, and commissions to adopt this official objective for planning and policy development purposes.

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

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

**WILLIAM R. HORTON, Secretary**