

THURSDAY, MARCH 17, 1983

1929

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-FIRST DAY

Bismarck, March 17, 1983

The House convened at 1:15 p.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Paul Ofstedal, First Lutheran Church, Williston.

ROLL CALL

The roll was called and all members were present, except Representatives Kent, Lipsiea, Nicholas, Vander Vorst, and Wentz.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fiftieth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

REP. BOYLE MOVED that the report be adopted, which motion prevailed.

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HCR 3027, HCR 3035, HCR 3043, HCR 3045, HCR 3049, HCR 3051,
HCR 3059, HCR 3060, HCR 3061, HCR 3064, HCR 3074, HCR 3081

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1688 and HCR 3084 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1688

On page 1 of the engrossed bill, line 21, delete the words
"where the extension is limited to twelve years."

On page 1 of the engrossed bill, line 23, after the period
insert the sentence "In cases alleging professional
malpractice, the extension of the limitation due to
infancy is limited to twelve years."

And renumber the lines accordingly

SENATE AMENDMENTS TO HCR 3084

On page 2 of the engrossed resolution, delete lines 4 through 6

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4053

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3058

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SCR 4033, SCR 4047

CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 16, 1983

The Honorable Tish Kelly
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

THURSDAY, MARCH 17, 1983

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Dear Madam Speaker:

This is to inform you that on March 8, 1983, I signed HB 1287.

Sincerely,

ALLEN I. OLSON
Governor

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 16, 1983

The Honorable Tish Kelly
Speaker of the House
House Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on March 16, 1983, I signed the following House Bills:

HB 1054, HB 1056, HB 1095, HB 1317, HB 1318, HB 1467,
HB 1608, HB 1711.

Sincerely,

ALLEN I. OLSON
Governor

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SCR 4033, SCR 4047

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HCR 3089

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2043, SB 2157, SB 2270, SB 2343, SB 2364, SCR 4011,
SCR 4022, SCR 4031, SCR 4052

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended:

SB 2121, SB 2125, SB 2156, SB 2224, SB 2244, SB 2291,
SB 2344, SB 2367, SB 2386, SB 2447, SCR 4043

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2109

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. S. F. HOFFNER MOVED that the amendments to SB 2206 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1923 and 1924 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2249 as recommended by the Committee on Judiciary as printed on page 1924 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to Engrossed SB 2313 as recommended by the Committee on Finance and Taxation as printed on page 1925 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to SB 2332 as recommended by the Committee on Finance and Taxation as printed on page 1925 of the House Journal be adopted, which motion prevailed.

REP. SINNER MOVED that the amendments to Engrossed SB 2431 as recommended by the Committee on Finance and Taxation as printed on pages 1925-1927 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to SCR 4040 as recommended by the Committee on Industry, Business, and Labor as printed on page 1927 of the House Journal be adopted, which motion prevailed.

THURSDAY, MARCH 17, 1983

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REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly enrolled:

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

REP. G. MARTIN, Chairman

REP. R. LARSON MOVED that the report be adopted, which motion prevailed.

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly engrossed:

HCR 3011, HCR 3026, HCR 3029

REP. G. MARTIN, Chairman

REP. RAYL MOVED that the report be adopted, which motion prevailed.

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

Very respectfully,

CHARLES FLEMING, Chief Clerk

CONSIDERATION OF MESSAGE FROM SENATE

REP. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1044 as printed on pages 1921 and 1922 of the House Journal be adopted, which motion prevailed.

MOTION

REP. BACKES MOVED that HB 1044 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to create and enact a new section to chapters 6-01 and 6-06 of the North Dakota Century Code, relating to an assessment on state-chartered banks and state-chartered credit unions for additional examinations; and to amend and reenact sections 6-01-17, 6-05-28, subsection 4 of section 6-06-08, and section 6-09-29 of the North Dakota Century Code, relating to a yearly assessment on state-chartered banks, and examination fees for trust companies, credit unions, the North Dakota central credit union, and the Bank of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Gordier; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Goetz; Kent; Lipsiea; Martin, C.; Vander Vorst

HB 1044 passed and the title was agreed to.

MOTION

REP. BACKES MOVED that HCR 3090 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new section to chapter 24-02 and one new section to chapter 54-44 of the North Dakota Century Code, relating to the creation of a central management system for state motor vehicles, and the purchase of motor vehicles.

Which has been read.

MOTION

REP. BOYLE MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1895, the roll was called and there were 76 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hausauer; Hjelle; Hoffner, Serenus; Horgan; Hughes; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Lautenschlager; Linderman; Martin, C.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riehl; Riley; Rued; Schindler; Shide; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Watne; Whalen; Williams, A.; Williams, C.; Wold; Speaker Kelly

NAYS: Aubol; Backes; Black; Brokaw; DuBord; Gerl; Haugland; Hill; Hoffner, S. F.; Jacobson; Lardy; Laughlin; Lloyd; Martin, G.; Meiers, R.; O'Shea; Peterson; Rayl; Richard; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Vig; Wentz; Williams, W.

ABSENT AND NOT VOTING: Kent; Lipsiea; Vander Vorst

SB 2062 passed and the title was agreed to.

RECOGNITION

SPEAKER KELLY ANNOUNCED that a former Representative and Governor was in the chambers, and requested that the House recognize former Governor Bill Guy, and Governor Guy was thereupon introduced to the House.

SPECIAL ORDER OF BUSINESS

REP. BACKES MOVED that the House be on a special order of business to receive the Honorable Al Quie, former Governor of the State of Minnesota, which motion prevailed.

REP. BACKES MOVED that a committee of two be appointed to escort the Honorable Allen I. Olson, Governor of North Dakota, to the rostrum, which motion prevailed.

SPEAKER KELLY APPOINTED Representatives Gullickson and A. Olson to such escort committee, and Governor Olson was escorted to the rostrum.

REP. BACKES MOVED that a committee of two be appointed to escort the Honorable Al Quie, former Governor of the State of Minnesota, to the rostrum to address the Assembly, which motion prevailed.

SPEAKER KELLY APPOINTED Representatives Sanstead and Black to such escort committee and Governor Quie was escorted to the rostrum.

Governor Olson introduced Governor Quie to the Assembly.

ADDRESS BY THE HONORABLE GOVERNOR QUIE

Members of the North Dakota House of Representatives: I always get a kick out of it when people have difficulty with this Chinese name of mine. "Don't feel bad," I would say to the Sergeant-at-Arms because there's a lot worse ways of doing it than just forgetting what it is. I remember one time I was introduced by a school principal in my congressional district at a convention, and he was visibly nervous, and when he came to that punch line that one gives in an introduction he said, "and now I give you Congressman Queer." It took about five minutes to settle down that group. My ancestors came from an area in Norway where that spelling of Quie means a pregnant heifer. That's why we never changed it to the English spelling.

Folks, I started out my political career in government in the State Senate in Minnesota, and so when I just spoke to the other body, there was a nostalgia of being there. My experience was in the House of Representatives while I served in the Congress. In the state, I served with the Senate in joint sessions of the legislature that I attended as Governor and gave my talks. There was a great deal of tension in the air as you talked about the state of the state or the budget message, and I recognized that at the same time when one needs to increase taxes and either reduce or hold down the costs of services it is not the most political thing to do. It is a lot more fun to increase services and cut taxes at the same time, than what we are facing presently; and as Governor Olson indicated, that was a tough struggle in Minnesota, because in Minnesota we thought we were immune from recessions. We found we were not. It is extremely hard, and I recognize now that you are faced with the same thing. I could say from Minnesota's point of view that we're glad that you are faced with the prospect of increasing taxes. It makes things a little more equal between the two of us, because we had to do that a long time ago, and our sales tax is six percent in Minnesota.

I don't want to talk about specific legislation and what you must do, because that's the decision that you'll be making from your vantage point as legislators from your own district representing the people under your own beliefs and philosophy of government. What I would like to talk to you about, rather, is an experience that I had. In my last year in office it was the most beautiful and wonderful year I ever had in public life. The reason was the leaders in the Senate and the leaders in the House with my

experience in Minnesota was the same as Governor Olson's with you here. It is a different political party that controls your body and that which controls the Governor's chair. A trust relationship was built between us. When we were faced with a two hundred and twenty-nine million dollar budget deficit, we sat down, the leaders and myself, and in three days came to an agreement. Later on in the year we ran into further difficulties, and that time it was a three hundred and twenty-eight million dollar deficit we had to resolve, which was just this last December. Again, we reached an agreement within a week, and it came about because of a trust relationship.

I will give you the experience that I mentioned this morning to those of you who were in attendance because I look at that as virtually in the same significance as we watched in the Middle East when Anwar Sadat went to the Knesset in Israel. With enormous political and personal courage on his part he took that risk. That example now causes the Israelis to speak virtuously of all persons of a different religion and a different country in the same light as the battle that has been going on for four thousand years, ever since Abraham threw Hagar out of the tent. We are similar to that in our political rivalry, but I saw DFL legislative leaders show enormous political courage in Minnesota, where we had a meeting of minds on what was best for the state. As I pointed out to them, at that time the enormous political risk they had taken, especially last spring, because there was an election coming up. It was interesting how people respond when that political courage and leadership expresses itself. There was a sense of unity that had not been experienced for quite some time in Minnesota, that enabled my successor to take over. I wanted to share that with you, because all of your decisions should not come just from the head, but also come where the spirit touches you in the heart. Trust comes through in that way, and you can sense and feel what is best for the State of Minnesota. Excuse me. What you can do is best for the State of North Dakota, because that's really the test, because people who benefit may like the immediate results. Everybody looks at the means to reach that, and they hunger to see some sense of that kind of spiritual unity. It is not religious, but it is a meeting of the spirit of the people who are at odds from each other. Frankly, we are coming from a different political philosophy in our two political parties. What is best for the state can be accomplished. I wanted to share this with you, because we are a neighbor state with a similar rural background, with the same love for the kind of quality politics in government, and the same life that you in North Dakota share with us.

Thank you very much. It is a privilege to be here before you.

MOTION

REP. STRINDEN MOVED that the remarks of Governor Quie be printed in the House Journal, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2084: A BILL for an Act to amend and reenact section 14-07.1-06 and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to warrantless arrests for domestic violence.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1853, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Hoffner, Serenus; Kent; Lipsiea; Peterson; Vander Vorst

SB 2084 passed and the title was agreed to.

SB 2093: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to self-insurance of the health insurance benefits coverage under the state uniform group insurance program; and to amend and reenact sections 54-52.1-01, 54-52.1-04, and 54-52.1-06 of the North Dakota Century Code, relating to definitions and board authority to contract for insurance under the uniform group insurance program.

Which has been read.

REQUEST

REPS. BLACK AND MERTENS REQUESTED that they be excused from voting on SB 2093, because of a conflict of interest.

MOTION

REP. STRINDEN MOVED that Reps. Black and Mertens be allowed to vote on SB 2093, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1756, the roll was called and there were 74 YEAS, 27 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Sinner; Solberg; Stofferahn; Swiontek; Timm; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Backes; Black; Brokaw; DeMers; Erdman; Gunsch; Hanson, O.; Hjelle; Knudson; Koehn; Kuchera; Laughlin; Linderman; Martin, C.; Melby; Mertens; Mushik; O'Connell; Olsen, D.; Olson, A.; Richard; Rued; Shockman; Strinden; Unhjem; Watne; Speaker Kelly

ABSENT AND NOT VOTING: Kent; Lipsiea; Peterson; Thompson; Vander Vorst

SB 2093 passed and the title was agreed to.

SB 2187: A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01, sections 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-11, 25-01.2-12, 25-01.2-14, and 25-01.2-18 of the North Dakota Century Code, relating to certain definitions, the rights of developmentally disabled persons residing in institutions or facilities, individualized education plans, and rulemaking authority.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1897 and 1898, the roll was called and there were 82 YEAS, 14 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Moore; Nalewaja; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Timm; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Dotzenrod; Gorder; Gunsch; Hanson, O.; Kingsbury; Kuchera; Melby; Murphy; Olafson; Olson, A.; Richard; Solberg; Vig; Whalen

ABSENT AND NOT VOTING: Kent; Lipsiea; Meyer, W.; Mushik; Nicholas; Peterson; Sanstead; Strinden; Thompson; Vander Vorst

SB 2187 passed and the title was agreed to.

SB 2288: A BILL for an Act to amend and reenact section 15-28-09 of the North Dakota Century Code, relating to filing deadlines and the printing of ballots for public school district elections.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1898, the roll was called and there were 96 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin;

Lautenschlager; Linderman; Lloyd; Martin, C.;
 Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby;
 Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.;
 Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley;
 Sanstead; Schindler; Schneider; Schoenwald; Shide;
 Shockman; Solberg; Stofferahn; Strinden; Swiontek;
 Thompson; Timm; Unhjem; Vig; Watne; Wentz;
 Williams, A.; Williams, C.; Williams, W.; Wold;
 Speaker Kelly

NAYS: Whalen

ABSENT AND NOT VOTING: Backes; Kent; Kingsbury; Lipsiea;
 Mushik; Peterson; Rued; Sinner; Vander Vorst

SB 2288 passed and the title was agreed to.

SB 2321: A BILL for an Act to amend and reenact section 41-09-28
 of the North Dakota Century Code, relating to protection
 and responsibility given buyers of goods and commission
 merchants selling livestock or agricultural products.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,
 House Journal pages 1860 and 1861, the roll was called and there
 were 98 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle;
 Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman;
 Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch;
 Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland;
 Hausauer; Hill; Hjelle; Hoffner; Serenus;
 Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury;
 Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera;
 Lang; Lardy; Larson, B.; Larson, R.; Laughlin;
 Lautenschlager; Linderman; Lloyd; Martin, C.;
 Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby;
 Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.;
 Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley;
 Rued; Sanstead; Schindler; Schneider; Schoenwald;
 Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden;
 Swiontek; Thompson; Timm; Unhjem; Vig; Watne; Wentz;
 Whalen; Williams, A.; Williams, C.; Williams, W.; Wold;
 Speaker Kelly

NAYS: Hughes

ABSENT AND NOT VOTING: Backes; Eagles; Kent; Lipsiea;
Mertens; Peterson; Vander Vorst

SB 2321 passed and the title was agreed to.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1712

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2122 and SB 2422, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2122: Sens. Holmberg, Christensen, Maixner

SB 2422: Sens. Olson, Stenehjem, Lashkowitz

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILL

SB 2408: A BILL for an Act to amend and reenact sections 48-02-02, 48-02-03, 48-02-19, 54-21-27, 54-21.2-03, 54-21.3-02, and 54-21.3-03 of the North Dakota Century Code, relating to elimination of the office and duties of the state construction superintendent; and to repeal sections 54-21-17 and 54-21.3-06 of the North Dakota Century Code, relating to the office and duties of the state construction superintendent.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1898 and 1899, the roll was called and there were 62 YEAS, 37 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Conmy;
Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz;
Gorder; Gullickson; Gunsch; Hamerlik; Hanson, O.;
Haugland; Hausauer; Hill; Hjelle; Hughes; Keller;
Kingsbury; Kloubec; Koehn; Kretschmar; Lang; Lardy;
Larson, R.; Laughlin; Lautenschlager; Lloyd;
Martin, G.; Mertens; Moore; Murphy; Mushik; Nalewaja;
O'Connell; Olafson; Olsen, D.; Olson, A.; Peltier;
Peterson; Rayl; Retzer; Rice; Riley; Rued; Schneider;

Schoenwald; Shide; Strinden; Swiontek; Thompson; Timm;
Unhjem; Watne; Wentz; Whalen; Wold; Speaker Kelly

NAYS: Aubol; Boyle; Brokaw; DeMers; Halmrast;
Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson;
Knudson; Koski; Kuchera; Larson, B.; Linderman;
Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby;
Meyer, W.; Nicholas; Nowatzki; Opedahl; O'Shea;
Pomeroy, E.; Pomeroy, G.; Richard; Riehl; Sanstead;
Schindler; Shockman; Solberg; Stofferahn; Vig;
Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Backes; Hanson, L.; Kent;
Lipsiea; Meyer, R.; Sinner; Vander Vorst

SB 2408 passed and the title was agreed to.

CONSIDERATION OF MESSAGES FROM SENATE

REP. JACOBSON MOVED that the House do concur in the Senate amendments to HB 1253, which motion prevailed.

REP. E. POMEROY MOVED that the House do concur in the Senate amendments to HB 1278, which motion prevailed.

MOTION

REP. BACKES MOVED that HB 1296, HB 1386, HB 1400, HB 1647, and HCR 3050 be moved to the head of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM SENATE

REP. SINNER MOVED that the House do not concur in the Senate amendments to HB 1296 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1296:

Reps. Schneider, Hughes, Koski

CONSIDERATION OF MESSAGE FROM SENATE

REP. E. POMEROY MOVED that the House do not concur in the Senate amendments to HB 1386 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1386:

Reps. Nowatzki, Kretschmar, Linderman

CONSIDERATION OF MESSAGE FROM SENATE

REP. S. F. HOFFNER MOVED that the House do not concur in the Senate amendments to HB 1400 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1400:

Reps. Schoenwald, S. F. Hoffner, Haugland

CONSIDERATION OF MESSAGE FROM SENATE

REP. HJELLE MOVED that the House do not concur in the Senate amendments to HB 1647 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1647:

Reps. Schoenwald, Riehl, Goetz

CONSIDERATION OF MESSAGE FROM SENATE

REP. S. F. HOFFNER MOVED that the House do not concur in the Senate amendments to HCR 3050 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HCR 3050:

Reps. DuBord, Schoenwald, Retzer

REQUEST

REP. E. POMEROY REQUESTED that members of the Committee on Judiciary be excused for a meeting, which request was granted.

MOTIONS

REP. BACKES MOVED that the rules be suspended and that the deadlines provided in House Rule 507 be extended for the Committee on Appropriations to the Fifty-third Legislative day, which motion prevailed.

REP. BACKES MOVED that the absent members be excused, which motion prevailed.

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 1:00 p.m., Friday, March 18, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1730 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING

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

On page 1, line 14, delete the word "willful"

On page 1, line 16, delete the words "with regard" and insert in lieu thereof the words "which law or ordinance relates" and delete the word "the" and insert in lieu thereof an underscored colon

On page 1, delete line 17

On page 1, line 18, delete the words "distribution of an alcoholic beverage" and insert in lieu thereof the following:

- "a. The manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage;
- b. Prostitution;
- c. Gambling;
- d. Obscenity;
- e. Drugs;
- f. Felony offenses; and
- g. Particular alcohol related offenses as set forth in rules adopted by the attorney general"

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

HB 1730 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred HB 1731 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, after the overstruck word "The" insert the following: "Unless specifically forbidden by national party rules, the" and remove the overstrikes over the word "delegate"

On page 1, remove the overstrikes over lines 14 through 28

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

HB 1731 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Joint Committee on Constitutional Revision to which was referred HCR 3028 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 26, delete the word "primary" and insert in lieu thereof "general"

On page 3, line 13, after the second "the" insert the words "primary or special"

On page 3, line 20, delete the words "a full-time elective state or political subdivision office nor"

And renumber the lines and pages accordingly

REP. SANSTEAD, Chairman

HCR 3028 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2047 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact three new sections to chapter 57-15 of the North Dakota Century Code, relating to the consolidation of school district mill levies into a general fund levy and a special fund levy and exemption of debt service levies; to amend and reenact sections 15-18-04.2, 15-18-05, 15-34.2-06, 15-39.1-28, 15-40.2-12, 15-45-01, 15-47-21, 15-59-08, subsection 4.1 of section 21-03-06, sections 32-12.1-08, 32-12.1-11, 40-55-08, 40-55-09, subsection 3 of section 52-09-08, section 57-15-14, the new section to chapter 57-15, as created by section 59 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, and section 57-19-04 of the North Dakota Century Code, relating to off-campus educational center mill levies, county levies in support of junior colleges or off-campus educational centers, boarding and lodging of high school students, a teachers' retirement fund, tuition for students in grades seven through twelve,

kindergartens, equalization tax levies, special education, insurance reserve fund, judgments against school districts, recreation systems, vocational education, old-age survivors' fund, and tax levy limitations; and to repeal the new section to chapter 57-15 as created by section 75 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, and sections 15-20.1-08, 57-15-15, 57-15-18.1, 57-15-18.2, 57-15-49, 57-15-52, 57-15-52.1, and 57-16-05 of the North Dakota Century Code, relating to mill levy consolidation, excess mill levies, and school district mill levies for vocational education, rental expenses, unemployment compensation, libraries, and communication and schoolbus costs.

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

SECTION 1. AMENDMENT. Section 15-18-04.2 of the North Dakota Century Code as contained in section 19 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-18-04.2. Mill levy for off-campus educational facilities - Election. For the purpose of maintaining and operating such off-campus educational center the school board may levy, upon ~~their~~ its own resolution, ~~a tax not exceeding the limitation in subsection 3 of section 57-15-15 eight mills. If it is found, after the board by resolution has levied its maximum eight mills, that additional funds are needed, the board may submit the question of an additional mill levy not to exceed eight mills, to the electors of the district at any regular or special school election within the district. If approved by sixty percent of the electors voting, the school board may proceed with the levy and collection of the tax. The total mills levied under this section may not exceed sixteen. The levy is in addition to all other mill levy limitations provided by law, and the proceeds shall be placed in a separate fund, accounted for separately, and used exclusively for the support, operation, and maintenance of the off-campus educational center. Expenditures may be made by the school board without going through the institution of higher education with which an agreement has been entered.~~

SECTION 2. AMENDMENT. Section 15-18-05 of the North Dakota Century Code as contained in section 20 of Senate Bill No. 2065, as approved by

the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-18-05. County levy to aid junior college or educational center authorized. The board of county commissioners of any county, or part of a county, in which a junior college or off-campus educational center of a state-supported institution of higher education has been established, or any county, or part of a county, adjacent thereto, may upon approval of the electors of such county at a countywide election, levy a tax of not exceeding the limitation in subsection ii of section 55 of this Act five mills upon all the property in the county, to aid any special school district having established a junior college or off-campus educational center of a state-supported institution of higher education. The mill levy authorized by this section is over and above any mill levy limitation provided by law. After the approval of such levy, upon petition of five percent of the electors voting in the last preceding countywide election, the county commissioners shall submit the question of the continuance of the levy to the next countywide election, and if the majority of the electors shall vote to discontinue the levy, the levy shall be discontinued in subsequent years.

SECTION 3. AMENDMENT. Section 15-34.2-06 of the North Dakota Century Code as contained in section 22 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-34.2-06. Payment of board and lodging for high school students permitted - Levy. If more convenient or economical, any school district may pay a reasonable allowance instead of providing vehicular transportation for eligible high school students residing in the district to attend a county agricultural and training school or a high school in another district. Any school district that furnishes either transportation or an allowance for board and lodging for students attending high schools in another district may levy a tax not exceeding the limitation in subsection 5 of section 57-15-15 pursuant to subdivision a of subsection 1 of section 17 of this Act for such purposes.

SECTION 4. AMENDMENT. Section 15-39.1-28 of the North Dakota Century Code as contained in section 23 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-39.1-28. Mill levy for teachers' retirement. Any school district by a resolution of its school board may levy a tax ~~not exceeding the limitation in subsection 6 of section 57-15-15 pursuant to subdivision b of subsection 1 of section 17 of this Act~~, the proceeds to be used for the purposes of meeting the district's contribution to the fund arising under this chapter and to provide the district's share, if any, of contribution to the fund for contracted employees of either a multidistrict special education board or another school district where the contracted employees are also providing services to the taxing school district.

SECTION 5. AMENDMENT. Section 15-40.2-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-12. Levy for tuition charges permitted. The school board of any school district approving the payment of tuition charges for students in grades seven through twelve or required to make tuition payments under the ~~provisions of this chapter~~ may levy an amount pursuant to subdivision c of subsection 1 of section 17 of this Act sufficient to pay tuition charges, which levy shall not be subject to any mill levy limitations prescribed by law.

SECTION 6. AMENDMENT. Section 15-45-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-45-01. Establishing kindergartens - Election on mill levy. The school board of any school district may, upon its own motion, establish free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term. A school board which establishes free kindergartens may submit the question of providing for an annual levy sufficient to finance such kindergartens to the electors of the school district at the next annual or special school election; if a majority of the votes cast on the proposal favor the mill levy, the board shall levy such tax until the kindergartens are discontinued as provided in this chapter or until the board determines a levy is no longer necessary. Such levy shall be over and above any mill levy limitations provided by law levy a tax pursuant to subdivision f of subsection 1 of section 18 of this Act. On a petition signed by electors of the school district comprising at least five percent of the number of persons enumerated in the school census for that district for the most recent year

such census was taken, but in no case less than twenty-five electors, the school board must submit the question of establishing a kindergarten program at the next annual or special school election. Whenever the question of establishing a kindergarten program is placed upon the ballot by petition, the board shall also place on that same ballot the question of providing for an annual levy sufficient to finance such program. Both proposals must be approved by a majority of the votes cast on each before either may take effect. After the kindergarten program is established, the board shall levy such tax until the program is discontinued as provided in this chapter or until the board determines a levy is no longer necessary. Such levy shall be over and above any mill levy limitations provided by law. If the question of establishing a kindergarten program is placed on the ballot, that question must include a statement of any increase in the district's mill levy needed to finance the program. The question must be approved by the district's electors by the respective margins of electorate approval as provided for in section 57-15-14, and approval of the question constitutes elector approval of the additional mill levy necessary to finance the program.

SECTION 7. AMENDMENT. Section 15-47-21 of the North Dakota Century Code as contained in section 24 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-47-21. Tax levies for equalization between school districts limited - Remittance tax. When the amount to be levied on each of several districts or parts of districts affected by a change in school district boundaries has been determined, a list of the several amounts shall be made, and the respective amounts shall be set forth opposite the name of the district to which it is chargeable. The entire levy shall be stated substantially in the form provided for certifying school taxes, shall be addressed to the county auditor, and shall be signed by a majority of the members of the county committee or committees. Opposite the several descriptions of property on the tax list shall be entered the names of the school districts within which the property is situated. The levy shall be a valid levy on the taxable property of each district, and shall not exceed the limitation in subsection 7 of section 57-15-15. Not more than fifteen mills of the levy shall be extended against the taxable property in any one year, and the levy, not exceeding fifteen mills on the dollar, shall be

extended from year to year until the whole amount has been levied. The county auditor shall preserve the levies and shall extend the several rates from year to year as required by law for school district taxes, and the tax shall be collected at the same time and in the same manner as other taxes are collected, and paid over to the proper school district within which the property upon which the tax is paid is situated. The proceeds of taxes upon parts of districts lying outside of the district with which they are equalized shall be paid to the clerk of the school district within which the property is situated. The taxes levied for equalization purposes shall be in addition to all other taxes for school purposes. This section applies to proceedings under article II, annexation, and article IV, involuntary dissolution of chapter 15-53.1, but does not apply to article III, reorganization, of chapter 15-53.1 except where specifically so referenced.

SECTION 8. AMENDMENT. Section 15-59-08 of the North Dakota Century Code as contained in section 25 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-59-08. School district special education program - Financing - Levy --~~limitations of levy.~~ The school board of any school district may budget funds from the school district general fund for a special education program for the school district. The school board may, upon approval by a majority of the school board, levy a tax ~~not exceeding the limitation in subsection 8 of section 57-15-15 pursuant to subdivision d of subsection 1 of section 17 of this Act~~ for the purpose of carrying out a special education program for the school district, separately or in cooperation with other school districts. ~~The levy provided for in this section shall be collected and paid in the same manner as are other school district property taxes. The county treasurer shall credit the proceeds of the tax levy to a school district special education fund. Such fund shall be expended for the school district special education program.~~

SECTION 9. AMENDMENT. Subsection 4.1 of section 21-03-06 of the North Dakota Century Code as contained in section 30 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

- 4.1. By any school district having a community or junior college or off-campus educational

center as provided in chapter 15-18 which has an enrollment of one thousand or more students, upon motion of the governing body, for capital construction purposes, including the construction and equipping of new buildings or repairing or renovating and equipping existing buildings. The governing body may levy a tax not exceeding the limitation in subsection 9 of section 57-15-15 two mills on the dollar of the taxable valuation of the school district for the purpose of paying the principal and interest on bonds issued pursuant to this subsection. The mill levy authorized by this subsection is in addition to any mill levy limitations provided by law. The total principal amount of bonds issued pursuant to this subsection shall not exceed seven hundred thousand dollars, and any indebtedness incurred by a school district shall be within debt limitations established by law. Bonds issued under this subsection shall never become a general obligation of ~~the~~ this state of North Dakota.

SECTION 10. AMENDMENT. Section 32-12.1-08 of the North Dakota Century Code as contained in section 37 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

32-12.1-08. Political subdivision insurance reserve fund
- Mill levy.

1. A political subdivision, other than a school district, may establish and maintain an insurance reserve fund for insurance purposes, and all political subdivisions including school districts may include in the annual tax levy of the political subdivision such amounts as are determined by the governing body to be necessary for the purposes and uses of the insurance reserve fund. The Except in the case of a school district, the tax levy authorized by this section shall not exceed the limitation in section 59 of this Act Senate Bill No. 2065, as approved by the forty-eighth legislative assembly. If a political subdivision has no annual tax levy, the political subdivision may appropriate from any unexpended balance in its general fund such amounts as the

governing body of the political subdivision shall deem necessary for the purposes and uses of the insurance reserve fund.

2. The Except in the case of a school district, the fund established pursuant to this section shall be kept separate and apart from all other funds and shall be used only for the payment of claims against the political subdivision which have been settled or compromised, judgments rendered against the political subdivision for injuries arising out of risks established by this chapter, or costs incurred in the defense of claims. Payments by a school district for the same purposes shall be made out of the district's special fund as established in section 17 of this Act.

SECTION 11. AMENDMENT. Section 32-12.1-11 of the North Dakota Century Code as contained in section 38 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

32-12.1-11. Judgment against political subdivision - Additional tax levy. If a final judgment is obtained against any political subdivision except a school district, the governing body of the political subdivision may by resolution provide for the levy and collection of an annual tax upon all of the taxable property within the political subdivision for the payment of such judgment. The amount levied under this section for the payment of a judgment against a political subdivision shall not exceed the limitation set forth in section 59 of ~~this Act~~ Senate Bill No. 2065, as approved by the forty-eighth legislative assembly.

SECTION 12. AMENDMENT. Section 40-55-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-55-08. Election to determine desirability of establishing recreation system - How called. The governing body of any municipality, school district, or park district to which this chapter is applicable, may and upon receipt of a petition signed by at least ten qualified voters but not less than five percent of those citizens who voted at the last general election of the municipality, school district, or park district, shall submit to the electors the question of the establishment, maintenance, and conduct of a public recreation system, and except in the case of a

school district, the levying of an annual tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each dollar of assessed taxable valuation of all taxable property within the corporate limits or boundaries of such municipality, ~~seheel district,~~ or park district, to be voted upon at the next general election or special municipal election, provided, however, that such questions shall not be voted upon at the next general election unless such action of the governing body shall be taken, or such petition to submit such question shall be filed thirty days prior to the date of such election. A school district may levy a tax for the establishment, maintenance, and conduct of a public recreation system pursuant to subsection 4 of section 18 of this Act.

SECTION 13. AMENDMENT. Section 40-55-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-55-09. Favorable vote at election - Procedure. ~~Upon~~ Except in the case of a school district, upon adoption of the public recreation system proposition at an election by a majority of the votes cast upon the proposition, the governing body of the municipality, ~~seheel district,~~ or park district, by resolution or ordinance, shall provide for the establishment, maintenance, and conduct of a public recreation system, and thereafter levy and collect annually a tax of not more than two and five-tenths mills, or not more than eight and five-tenths mills if the same is authorized as herein provided, on each dollar of the ~~net~~ taxable assessed valuation of all taxable property within the corporate limits or boundaries of the municipality, ~~seheel district,~~ or park district. This tax is to be in addition to the maximum of taxes permitted to be levied in such municipality, ~~seheel district,~~ or park district. The mill levy herein authorized may be raised to not more than eight and five-tenths mills when the increase is approved by the citizens of the municipality, ~~seheel district,~~ or park district after submission of the question in the same manner as provided in section 40-55-08 for the establishment of the public recreation system. The governing body of the municipality, ~~seheel district,~~ or park district shall continue to levy the tax annually for public recreation purposes until the qualified voters, at a regular or special election, by a majority vote on the proposition, decide to discontinue the levy. The governing body of the municipality, school district, or park district, in its discretion, may appropriate additional funds for the operation of the public

recreation system if in the opinion of the governing body additional funds are needed for the efficient operation thereof. ~~Nothing in this~~ This chapter shall be construed to does not limit the power of any municipality, school district, or park district to appropriate on its own initiative general municipal, school district, or park district tax funds for the operation of a public recreation system, a community center, or character building facility. A school district may levy a tax for the conduct and maintenance of a public recreation system pursuant to subsection 4 of section 18 of this Act.

SECTION 14. AMENDMENT. Subsection 3 of section 52-09-08 of the North Dakota Century Code as contained in section 54 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

3. The political subdivision, except a school district, a multidistrict special education board and, or a center board of a multidistrict vocational education center, shall levy a tax sufficient to meet its obligations under this chapter, ~~and, in the case of a school district, to provide that district's share of contribution to the old-age survivor's fund for contracted employees of a multidistrict special education board;~~ up to a maximum levy not exceeding the limitation in section 59 of this Act Senate Bill No. 2065, as approved by the forty-eighth legislative assembly. Any obligations under this chapter over and above the amount raised by the maximum levy permitted in this section shall be paid out of the general fund of the political subdivision. All payments by a school district for obligations incurred under this chapter shall be made out of the school district's special fund established pursuant to section 17 of this Act.

SECTION 15. AMENDMENT. Section 57-15-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-14. Tax levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 18 of this Act by any school district, except the Fargo school district, shall not exceed such the amount as will be produced by a in dollars which the school district levied for the prior school year plus eighteen percent up to a

general fund levy of ~~twenty-four~~ seventy mills on the dollar of the ~~net assessed~~ taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the electors voting upon the question at any regular or special school district election.
 - b. There shall be no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand according to the last federal decennial census, there may be levied any specific number of mills that upon resolution of the school board has been approved by ~~sixty~~ fifty-five percent of the electors voting upon the question at any regular or special school election.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district shall be submitted to the electorate at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census shall be required. However, not fewer than twenty-five signatures shall be required unless the district has fewer than twenty-five electors, in which case the petition shall be signed by not less than twenty-five percent of the electors of the district. In those districts with fewer than twenty-five electors,

the number of electors in the district shall be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority shall not affect the tax levy in the calendar year in which the election is held. The election shall be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 16. AMENDMENT. The new section to chapter 57-15 of the North Dakota Century Code as created by section 59 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

Exceptions to tax levy limitations in political subdivisions. The tax levy limitations specified by law do not apply to the following mill levies, expressed in mills per dollar of taxable valuation of property in the political subdivision. For purposes of this section "political subdivision" has the same meaning as in section 32-12.1-02.

1. A political subdivision levying a tax for the control of pests in accordance with section 4-33-11 may levy a tax not exceeding one mill.
2. A political subdivision, except a school district, levying a tax for an insurance reserve fund according to section 32-12.1-08 may levy a tax not exceeding five mills.
3. A political subdivision, except a school district, levying a tax for the payment of a judgment in accordance with section 32-12.1-11 may levy a tax not exceeding five mills.
4. A political subdivision levying a tax for railroad purposes in accordance with section 49-17.2-21 may levy a tax not exceeding four mills.
5. A political subdivision, except a school district, levying a tax for old age and survivors' insurance according to section 52-09-08 may levy a tax not exceeding forty mills.

Additionally, tax levy limitations do not apply to taxes levied pursuant to any statute which expressly

provides that the taxes authorized to be levied therein are not subject to mill levy limitations provided by law.

SECTION 17. A new section to chapter 57-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Mill levies requiring board action - Proceeds to special fund account.

1. A school board of any school district may levy an amount sufficient to cover the costs of the following:
 - a. Board and lodging for high school students as provided in section 15-34.2-06.
 - b. The teachers' retirement fund as provided in section 15-39.1-28.
 - c. Tuition for students in grades seven through twelve as provided in section 15-40.2-12.
 - d. Special education program as provided in section 15-59-08.
 - e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.
 - f. A final judgment obtained against a school district.
 - g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.
 - h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented

or leased buildings, property, or classroom space.

i. Unemployment compensation benefits.

2. A school board may levy no more than a total of ninety mills for the purposes listed in subsection 1 except that this limitation does not apply to mill levies pursuant to subdivisions a, c, and f of subsection 1.

3. All proceeds of any levy established pursuant to this section shall be placed in the school district's special fund account and may be expended to achieve the purposes for which the taxes authorized by this section are levied.

SECTION 18. A new section to chapter 57-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Mill levies requiring voter approval - Proceeds to general fund account.

1. Upon resolution of the school board and approval of those voting on the question by the respective margins of electorate approval as provided for in section 57-15-14, the school district may levy a tax in addition to mill levy limitations provided by law, upon all taxable property within the school district for general expenses, including expenditures for the following purposes:

a. Participating in cooperative vocational education programs approved by the state board.

b. Maintaining a vocational education program approved by the state board and established only for that school district.

c. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.

d. Establishing and maintaining school library services.

- e. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.
 - f. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.
2. If a school district maintained a levy to finance either its participation in a cooperative vocational education program or its sponsorship of single-district vocational education programs prior to the effective date of this Act, and the district discontinues its participation in or sponsorship of those vocational education programs, that district must reduce the proposed aggregated expenditure amount for which its general fund levy is used by the dollar amount raised by its prior levy for the funding of those programs.
3. In presenting a proposed mill levy to the school district electorate pursuant to this section and section 57-15-14, a school board may denote on the ballot those purposes listed in subdivisions a through f of subsection 1 for which the levy is made.
4. The governing body of a school district may, and upon receipt of a petition signed by at least ten qualified voters but not less than five percent of those citizens who voted at the last general election of the school district shall, submit to the electors at the next special election or the next general election if the petition is received or the governing body acts thirty days prior to said general election, the question of the levying of an annual tax for the conduct and maintenance of a public recreation system. Upon adoption of the public recreation system proposition at an election on the proposition as provided in this subsection and section 40-55-08, by the respective margins of electorate approval as provided for in section 57-15-14, the governing body of the school district may levy and collect an annual tax

not subject to any limitations imposed by law for the maintenance and conduct of a public recreation system. The governing body of the school district shall continue to levy such tax until the district electorate voting at a regular or special election decides to discontinue the levy by the respective margins of electorate approval as provided for in section 57-15-14.

5. All proceeds of any levy established pursuant to this section shall be placed in the school district's general fund account and may be expended to achieve the purposes for which the taxes authorized by this section are levied.

SECTION 19. A new section to chapter 57-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

School district mill levies for bonded indebtedness excepted. The tax levy limitations provided for in section 57-15-14 and section 17 of this Act shall not apply to taxes levied for the purpose of paying interest on a bonded debt of the district, or levies made to pay and discharge the principal on a bonded debt at maturity.

SECTION 20. AMENDMENT. Section 57-19-04 of the North Dakota Century Code as contained in section 100 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

15-19-04. May levy tax beyond levy limitations. In each year each school district may levy a tax sufficient in amount to establish, maintain, or replenish such special reserve fund, but the levy shall not exceed the limitation in subsection 16 of section 57-15-15 the amount produced by a levy of three mills on the taxable valuation of property in the school district. The levy is in addition to tax levy limitations otherwise specified by law.

SECTION 21. The change to section 57-15-14 by this Act does not require a school district to reduce its mill levy below the amount authorized on June 30, 1983.

SECTION 22. REPEAL. The new section to chapter 57-15 of the North Dakota Century Code as created by section 75 of Senate Bill No. 2065, as

approved by the forty-eighth legislative assembly, and sections 15-20.1-08, 57-15-15, 57-15-49, 57-15-52, and 57-16-05 of the North Dakota Century Code, and sections 57-15-18.1, 57-15-18.2, and 57-15-52.1 of the 1981 Supplement to the North Dakota Century Code are hereby repealed."

And renumber the lines and pages accordingly

REP. JACOBSON, Chairman

Engrossed SB 2047 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred SB 2049 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 2, remove the overstrike over the word "~~three~~", delete the word "four", and delete the word "one" and insert in lieu thereof the word "nine"

On page 2, line 3, delete the word "eighty"

On page 2, line 9, delete the second word "four" and insert in lieu thereof the word "one"

On page 2, line 10, after the overstruck word "~~first~~" insert the word "for"

On page 2, line 14, delete the word "nine" and insert in lieu thereof the word "six"

On page 2, line 15, delete the word "fifty", and after the overstruck word "~~first~~" insert the word "for"

And renumber the lines accordingly

REP. SINNER, Chairman

SB 2049 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2055 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 19, remove the overstrike over the words "~~limitation of~~"

On page 2 of the engrossed bill, line 22, remove the overstrike over the words "authorized by this section" and delete the words "as agreed upon"

On page 2 of the engrossed bill, line 23, delete the words "between the buyer and seller" and overstrike the period and after the word "The" insert the words "as agreed upon by the buyer and seller and the" and remove the overstrike over the words "service charge shall not exceed"

On page 2 of the engrossed bill, line 24, remove the overstrike over "one and" and after the word "one-half" insert the word "three-quarter" and remove the overstrike over the words "percent per month computed on the outstanding"

On page 2 of the engrossed bill, line 25, remove the overstrike over the words "indebtedness from month to month-" and after the word "event" add the following new sentence: "The minimum fee shall not exceed fifty cents per month."

And renumber the lines accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2055 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: A minority of your Committee on Judiciary to which was referred Engrossed SB 2067 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 31, after the word "occasion" insert the words "per licensing year"

On page 2 of the engrossed bill, line 32, after the word "Class" insert the words "A and Class"

On page 3 of the engrossed bill, line 7, delete the words "one hundred"

On page 3 of the engrossed bill, line 12, delete the words "No eligible organization may"

On page 3 of the engrossed bill, delete lines 13 through 15 and insert in lieu thereof the following: "The maximum monthly rent shall be the greater of four hundred dollars or one hundred dollars multiplied by the number of tables on which the game of twenty-one is played."

On page 4 of the engrossed bill, delete line 2

- On page 4 of the engrossed bill, line 3, delete the word "pools" and insert in lieu thereof the following: "On premises licensed to sell alcoholic beverages, games of chance"
- On page 7 of the engrossed bill, line 7, after the word "may" insert the word "not"
- On page 7 of the engrossed bill, line 17, after the word "may" insert the words "include any property which may be legally owned and possessed, but may"
- On page 8 of the engrossed bill, line 10, remove the overstrikes over the words "~~for deposit in the general fund~~"
- On page 8 of the engrossed bill, line 21, delete the word "twenty-five" and insert in lieu thereof the words "one hundred"
- On page 8 of the engrossed bill, line 23, delete the word "twenty-five" and insert in lieu thereof the words "one hundred"
- On page 8 of the engrossed bill, line 24, delete the words "and not in excess of one hundred fifty"
- On page 8 of the engrossed bill, line 25, delete the words "thousand dollars per quarter"
- On page 8 of the engrossed bill, delete lines 26 through 34
- On page 9 of the engrossed bill, delete lines 1 and 2
- On page 9 of the engrossed bill, line 24, after the word "The" insert the words "state treasurer, at the direction of the" and after the word "authority" insert an underscored comma
- On page 9 of the engrossed bill, delete lines 34 and 35
- On page 10 of the engrossed bill, delete lines 1 through 8
- On page 10 of the engrossed bill, line 9, delete the words "state general fund."
- And renumber the lines and pages accordingly

Rep. Conmy
Rep. Gates
Rep. Keller
Rep. Kent
Rep. Kretschmar
Rep. Murphy

Rep. Riley
Rep. E. Pomeroy

MADAM SPEAKER: A minority of your Committee on Judiciary to which was referred Engrossed SB 2067 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 2, delete the word "nine" and insert in lieu thereof the word "ten"
- On page 2 of the engrossed bill, line 31, after the word "occasion" insert the words "per licensing year"
- On page 2 of the engrossed bill, line 32, after the word "Class" insert the words "A and Class"
- On page 3 of the engrossed bill, line 7, delete the words "one hundred"
- On page 3 of the engrossed bill, line 12, delete the words "No eligible organization may"
- On page 3 of the engrossed bill, delete lines 13 through 15 and insert in lieu thereof the following: "The maximum monthly rent shall be the greater of four hundred dollars or one hundred dollars multiplied by the number of tables on which the game of twenty-one is played."
- On page 4 of the engrossed bill, delete line 2
- On page 4 of the engrossed bill, line 3, delete the word "pools" and insert in lieu thereof the following: "On premises licensed to sell alcoholic beverages, games of chance"
- On page 7 of the engrossed bill, line 7, after the word "may" insert the word "not"
- On page 7 of the engrossed bill, line 17, after the word "may" insert the words "include any property which may be legally owned and possessed, but may"
- On page 8 of the engrossed bill, line 10, remove the overstrikes over the words "~~for deposit in the general fund~~"
- On page 8 of the engrossed bill, line 21, delete the word "twenty-five" and insert in lieu thereof the words "one hundred"

- On page 8 of the engrossed bill, line 23, delete the word "twenty-five" and insert in lieu thereof the words "one hundred"
- On page 8 of the engrossed bill, line 24, delete the words "and not in excess of one hundred fifty"
- On page 8 of the engrossed bill, line 25, delete the words "thousand dollars per quarter"
- On page 8 of the engrossed bill, delete lines 26 through 34
- On page 9 of the engrossed bill, delete lines 1 and 2
- On page 9 of the engrossed bill, line 24, after the word "The" insert the words "state treasurer, at the direction of the" and after the word "authority" insert an underscored comma
- On page 9 of the engrossed bill, delete lines 34 and 35
- On page 10 of the engrossed bill, delete lines 1 through 8
- On page 10 of the engrossed bill, line 9, delete the words "state general fund."
- On page 12 of the engrossed bill, after line 33, add the following new section:

"SECTION 23. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Distribution of revenues from games of chance to local law enforcement agencies prohibited. None of the net proceeds from games of chance may be transferred in any manner for the use or benefit of law enforcement agencies, including the licensing authority, city police departments, and county sheriff's departments."

And renumber the lines, sections, and pages accordingly

Rep. C. Anderson
Rep. Linderman
Rep. R. Meiers
Rep. Shockman
Rep. Vig
Rep. Wentz
Rep. A. Williams
Rep. Nowatzki

REP. E. POMEROY, Chairman

Engrossed SB 2067 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred SB 2068 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the word "subsection" and insert in lieu thereof the words "subsections 1 and"

On page 1, line 3, after the word "to" insert the words "the maximum number of years of service credit and to"

On page 1, line 4, delete the word "; and" and insert in lieu thereof the words "and other public employees;"

On page 1, line 6, after the word "system" insert the words "; and to declare an emergency"

On page 2, line 17, overstrike the word "The" and insert immediately thereafter the words "Effective July 1, 1985, the"

On page 2, line 18, overstrike the words "five and twelve-hundredths" and insert immediately thereafter the words "thirteen and four tenths"

On page 2, line 23, delete the word "Subsection" and insert in lieu thereof the words "Subsections 1 and"

On page 2, after line 25 insert the following:

- "1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date or postponed retirement date, as defined in this section. No participating member shall receive credit for more than ~~thirty~~ thirty-five years of full-time employment unless such member has contributed to the plan or its predecessor established on July 1, 1966, in excess of ~~thirty~~ thirty-five years; members who have contributed to these plans in excess of ~~thirty~~ thirty-five years shall receive credit for the years of full-time employment after July 1, 1966. Part-time employment will be recognized as full-time employment on such a prorated basis as the board may prescribe."

On page 3, line 1, overstrike the word "four-hundredths" and insert immediately thereafter the word "twenty-hundredths"

On page 3, line 5, overstrike the word "four-hundredths" and insert immediately thereafter the word "twenty-hundredths"

On page 3, after line 7, insert the following:

"(3) All participants retiring prior to July 1, 1983, will have their benefits calculated at one and twenty-hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning July 1, 1983."

On page 3, line 24, delete the words "one and four-hundredths percent" and insert in lieu thereof the words "the percent specified in subdivision a"

On page 4, after line 9, add the following new section:

"SECTION 5. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

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

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2095 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, after the numeral "4-14.1-03," insert the numeral "4-14.1-04," and after the numeral "57-50-03.1," insert the word "and", and after the numeral "57-05-05" delete the words ", and 57-54-08"

On page 1 of the engrossed bill, line 3, delete the words "relating to the agriculturally"

On page 1 of the engrossed bill, line 4, delete the words "derived alcohol motor vehicle fuel tax fund" and insert in lieu thereof the following new language: "and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes"

On page 2 of the engrossed bill, after line 3, insert the following new subsection:

"1. At least three-fourths of the funds provided for under section 57-50-01 of the North Dakota Century Code shall be used as grants in aid to organizations working to develop agriculturally derived fuels."

On page 2 of the engrossed bill, after line 26, insert the following new subsection:

"Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter."

On page 2 of the engrossed bill, line 32, after the word "the" insert the words "commissioner of agriculture with the advice and counsel of an"

On page 3 of the engrossed bill, after line 6, insert the following new sections:

"SECTION 4. AMENDMENT. Section 4-14.1-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. Agricultural products utilization commission - Meetings --~~Personnel~~---~~Advisory~~ ~~committee~~. The agricultural products utilization commission shall meet at least once annually, and shall report to each session of the legislative assembly. ~~The commission may secure office space and employ needed personnel for the performance of its duties; may hire consultants; and may contract with public entities or private parties for services.~~ The agricultural products utilization commission shall have an advisory committee composed of three persons, one each designated by the director of the economic development commission, the president of the North

Dakota state university, and the state commissioner of agriculture.

SECTION 5. AMENDMENT. Section 57-43.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. A

1. Except as otherwise provided in this section, a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state except the.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol is:
 - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
 - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
 - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The dealer shall collect the tax imposed by this section from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original

package to persons other than licensed dealers, the dealer is liable for the tax."

On page 5 of the engrossed bill, delete lines 27 through 35 and insert in lieu thereof the following new section:

"SECTION 8. AMENDMENT. If House Bill No. 1073 does not become effective, section 57-54-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. ~~There is hereby imposed~~

1. Except as otherwise provided in this section a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state. ~~Provided, however, the~~
2. The tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol ~~shall be is:~~
 - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
 - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
 - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The tax imposed by this section ~~shall~~ must be collected by the dealer from the consumer on all sales.

4. Sales of fuel in the original package may be made to a licensed dealer, ~~and he shall have the option of collecting who may collect~~ the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer ~~shall~~ is liable for the tax thereon."

On page 6 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, subsections, and pages accordingly

REP. SINNER, Chairman

Engrossed SB 2095 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2144 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the numeral "39-04-23," insert the word "and"

On page 1, line 4, delete the words ", and chapter 39-04.1"

On page 1, line 6, after the word "buses," insert the word "and"

On page 1, line 7, after the word "weight" delete the words ", and additional fees assessed on certain motor vehicles"

On page 1, line 25, delete the numeral "39-04-23," and insert in lieu thereof the numeral "39-04-23 and"

On page 1, line 26, delete the words ", and chapter 39-04.1"

And renumber the lines accordingly

REP. HJELLE, Chairman

SB 2144 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2150 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 1, delete the word and numeral "sections 49-02-01," and insert in lieu thereof the words "subsection 2 of section 49-02-01, section"
- On page 1, line 2, after the first comma insert the words "subsection 2 of", and after the numeral "49-21-01," insert the words and numeral "sections 49-21-04,"
- On page 1, line 4, after the word "telegraph" insert the words "and telephone"
- On page 1, line 22, after the word "utility" insert the words "except a telephone utility."
- On page 1, line 23, overstrike the words "However, any telephone"
- On page 1, line 24, overstrike the words "utility so owned or operated shall be subject to the"
- On page 1, line 25, overstrike the words "jurisdiction of the commission and to the provisions contained in"
- On page 1, line 26, overstrike the words "sections 49-02-05 and 49-21-09" and insert immediately thereafter the words "The rates of any nonprofit telephone company or telephone company having less than three thousand subscribers, upon a vote of the company's owners or board of directors, shall not be subject to the jurisdiction of the commission"
- On page 2, after line 10, insert the following new section:

"SECTION 4. AMENDMENT. Section 49-21-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-21-04. Schedules of rates to be filed with commission. The commission shall require each telephone company subject to the commission's rate jurisdiction, within such time as ~~it~~ the commission shall fix and in such form and detail as it may require, to file with the commission:

1. Schedules showing all rates and charges which are established and in effect at the time for any service rendered to the public by such telephone company within this state; and
2. All rules and regulations which in any manner affect the rates charged or to be charged for such service,

and such telephone company shall not make any changes thereafter in said schedules, rates, or charges other than those named in such schedule without first securing the consent of the commission."

And renumber the lines, sections, and pages accordingly
REP. S. F. HOFFNER, Chairman

SB 2150 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2172 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, delete the word "two" and insert in lieu thereof the word "one" and delete the word "subsections" and insert in lieu thereof the word "subsection"

On page 1 of the engrossed bill, line 2, delete the word "definitions" and insert in lieu thereof the words "a definition"

On page 1 of the engrossed bill, line 3, delete the words "and preexisting condition"

On page 1 of the engrossed bill, line 10, delete the word "Two" and insert in lieu thereof the word "One" and delete the word "subsections" and insert in lieu thereof the word "subsection"

On page 1 of the engrossed bill, delete lines 15 through 19

And renumber the lines and pages accordingly
REP. S. F. HOFFNER, Chairman

Engrossed SB 2172 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Reengrossed SB 2173 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4 of the reengrossed bill, line 16, delete the words "two hundred ten" and insert in lieu thereof the words "one hundred sixty"

On page 4 of the reengrossed bill, line 24, delete the words "In no case shall total death"

On page 4 of the reengrossed bill, delete lines 25 and 26

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

Reengrossed SB 2173 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2179 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 18, delete the word "operating" and insert in lieu thereof the word "operative"

On page 2 of the engrossed bill, line 19, delete the word "Aircraft" and insert in lieu thereof the words "All of the operative property", and after the word "air" insert the word "carrier"

On page 2 of the engrossed bill, line 20, delete the words "on a fleet by-type basis for all fleet types" and insert in lieu thereof the following: "for assessment purposes by the tax commissioner and the state board of equalization and a portion of the total valuation shall be allocated to the state of North Dakota. For the purpose of determining the value of the operative property of each air transportation company, the tax commissioner and the state board of equalization shall take into consideration the original cost and replacement cost of the property, depreciation, obsolescence, the earning power of the property as shown by the company's gross earnings and net operating income, the market or actual value of the company's stock and bonds and other liabilities, and such other legally established evidences of value as shall enable the tax commissioner and the state board of equalization to make a just and equitable assessment."

On page 2 of the engrossed bill, delete lines 21, 22, and 23

On page 2 of the engrossed bill, line 26, delete the word "Determination" and insert in lieu thereof the word "Allocation", delete the word "assessed", and delete the word "aircraft" and insert in lieu thereof the following: "all of the operative property of an air carrier transportation company shall be allocated to this state according to the following percentages, which shall be calculated for each type of aircraft

in the fleet and multiplied by the percentage of the total fleet represented by that type of aircraft:

On page 2 of the engrossed bill, delete lines 27 through 30

On page 2 of the engrossed bill, line 32, after the word "passengers" insert the words "mail, express, and freight"

On page 2 of the engrossed bill, line 34, after the word "passengers" insert the words "mail, express, and freight"

And renumber the lines accordingly

REP. SINNER, Chairman

Engrossed SB 2179 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2197 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, delete lines 17 through 28

Delete pages 2 through 6 of the engrossed bill

On page 7 of the engrossed bill, delete lines 1 through 14 and insert in lieu thereof the following:

"a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years
Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, and 7th Years	8th, 9th, and 10th Years	11th and Subsequent Years
1,999 or less	\$ 37.00	\$ 30.00	\$ 24.00	\$ 20.00
2,000-2,399	39.00	32.00	25.00	20.00
2,400-2,799	41.00	34.00	27.00	20.00

2,800-3,199 than 3,200	43.00 47.00	35.00 39.00	28.00 31.00	21.00 23.00
3,200-3,599	47.00	38.00	30.00	22.00
3,600-3,999	51.00	42.00	33.00	24.00
4,000-4,499	61.00 67.00	50.00 55.00	39.00 43.00	28.00 31.00
4,500-4,999	77.00 85.00	62.00 68.00	48.00 53.00	34.00 37.00
5,000-5,999	105.00 116.00	85.00 94.00	65.00 72.00	45.00 50.00
6,000-6,999	135.00 149.00	109.00 120.00	83.00 91.00	57.00 63.00
7,000-7,999	165.00 182.00	133.00 146.00	101.00 111.00	69.00 76.00
8,000-8,999	195.00 215.00	157.00 173.00	119.00 131.00	81.00 89.00
9,000 and over	225.00 248.00	181.00 199.00	137.00 151.00	93.00 102.00

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

In addition to the fees required in this subsection and section 49-18-32, all motorbuses used for the transportation of persons for hire over the highways of this state which have a seating capacity of more than seven passengers shall pay an annual additional license fee of twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

- b. Schoolbuses, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for

religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
Gross Weights	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
0- 4,000	\$31.00 43.00	\$26.00 35.00	\$21.00 28.00	\$20.00 22.00
4,001- 6,000	36.00 45.00	30.00 37.00	25.00 30.00	20.00 22.00
6,001- 8,000	41.00 56.00	34.00 46.00	28.00 36.00	20.00 26.00
8,001-10,000	46.00 61.00	39.00 50.00	31.00 39.00	21.00 27.00
10,001-12,000	52.00 64.00	43.00 53.00	34.00 42.00	23.00 29.00
12,001-14,000	57.00 68.00	47.00 56.00	37.00 44.00	25.00 30.00
14,001-16,000	67.00 80.00	56.00 67.00	45.00 54.00	32.00 38.00
16,001-18,000	72.00 86.00	60.00 72.00	48.00 58.00	34.00 41.00
18,001-20,000	78.00 94.00	65.00 78.00	52.00 62.00	36.00 43.00

YEARS REGISTERED

Registered Gross Weights	1st thru 9th Years	10th and Subsequent Years
20,001- 26,000	\$ 100.00	\$ 70.00

<u>26,001- 32,000</u>	<u>200.00</u>	<u>140.00</u>
<u>32,001- 38,000</u>	<u>300.00</u>	<u>210.00</u>
<u>38,001- 44,000</u>	<u>400.00</u>	<u>290.00</u>
<u>44,001- 50,000</u>	<u>500.00</u>	<u>350.00</u>
<u>50,001- 56,000</u>	<u>600.00</u>	<u>420.00</u>
<u>56,001- 62,000</u>	<u>700.00</u>	<u>490.00</u>
<u>62,001- 68,000</u>	<u>800.00</u>	<u>560.00</u>
<u>68,001- 74,000</u>	<u>950.00</u>	<u>660.00</u>
<u>74,001- 80,000</u>	<u>1,100.00</u>	<u>770.00</u>
<u>80,001- 86,000</u>	<u>1,250.00</u>	<u>870.00</u>
<u>86,001- 92,000</u>	<u>1,400.00</u>	<u>980.00</u>
<u>92,001- 98,000</u>	<u>1,600.00</u>	<u>1,120.00</u>
<u>98,001-105,500</u>	<u>1,800.00</u>	<u>1,260.00</u>

c. Motorcycles:

- (1) Without sidecar, six dollars per motorcycle.
- (2) With sidecar, ten dollars per unit.

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under subdivision b; and the registrar shall issue distinctive plates for each house car registered.

5. Trucks or combinations of trucks and trailers weighing from ~~24,000~~ 20,001 to 82,000 pounds [~~10886-66~~ 9072.45 to 37194.57 kilograms] which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from ~~24,000~~ 20,001 to 82,000 pounds [~~10886-66~~ 9072.45 to 37194.57 kilograms] owned, or leased for a minimum

period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire.

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
<u>Gross Weights</u>	<u>1st, 2nd, 3rd, and 4th Years</u>	<u>5th and 6th Years</u>	<u>7th and 8th Years</u>	<u>9th and Subsequent Years</u>
20,001-22,000	\$ 83.00 100.00	\$ 69.00 83.00	\$ 55.00 66.00	\$ 37.00 44.00
22,001-24,000	88.00 106.00	73.00 88.00	58.00 70.00	39.00 47.00
24,001-26,000	96.00 115.00	79.00 95.00	62.00 74.00	41.00 49.00
26,001-28,000	106.00 127.00	87.00 104.00	68.00 82.00	45.00 54.00
28,001-30,000	116.00 139.00	95.00 114.00	74.00 89.00	49.00 59.00
30,001-32,000	131.00 157.00	108.00 130.00	85.00 102.00	58.00 70.00
32,001-34,000	141.00 169.00	116.00 139.00	91.00 109.00	62.00 74.00
34,001-36,000	151.00 181.00	121.00 149.00	97.00 116.00	66.00 79.00
36,001-38,000	161.00 193.00	132.00 158.00	103.00 124.00	70.00 84.00
38,001-40,000	171.00 205.00	140.00 168.00	109.00 131.00	74.00 89.00
40,001-42,000	181.00 217.00	148.00 178.00	115.00 138.00	78.00 94.00
42,001-44,000	191.00	156.00	121.00	82.00

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	<u>229.00</u>	<u>187.00</u>	<u>145.00</u>	<u>98.00</u>
44,001-46,000	201.00 <u>241.00</u>	164.00 <u>197.00</u>	127.00 <u>152.00</u>	86.00 <u>103.00</u>
46,001-48,000	211.00 <u>253.00</u>	172.00 <u>206.00</u>	133.00 <u>160.00</u>	90.00 <u>108.00</u>
48,001-50,000	221.00 <u>265.00</u>	180.00 <u>216.00</u>	139.00 <u>167.00</u>	94.00 <u>113.00</u>
50,001-52,000	241.00 <u>289.00</u>	198.00 <u>238.00</u>	155.00 <u>186.00</u>	108.00 <u>130.00</u>
52,001-54,000	251.00 <u>301.00</u>	206.00 <u>247.00</u>	161.00 <u>193.00</u>	112.00 <u>134.00</u>
54,001-56,000	261.00 <u>313.00</u>	214.00 <u>257.00</u>	167.00 <u>200.00</u>	116.00 <u>139.00</u>
56,001-58,000	271.00 <u>325.00</u>	222.00 <u>266.00</u>	173.00 <u>208.00</u>	120.00 <u>144.00</u>
58,001-60,000	281.00 <u>337.00</u>	230.00 <u>270.00</u>	179.00 <u>215.00</u>	124.00 <u>149.00</u>
60,001-62,000	291.00 <u>349.00</u>	238.00 <u>286.00</u>	185.00 <u>222.00</u>	128.00 <u>154.00</u>
62,001-64,000	301.00 <u>361.00</u>	246.00 <u>295.00</u>	191.00 <u>229.00</u>	132.00 <u>158.00</u>
64,001-66,000	311.00 <u>373.00</u>	254.00 <u>305.00</u>	197.00 <u>236.00</u>	136.00 <u>163.00</u>
66,001-68,000	321.00 <u>385.00</u>	262.00 <u>314.00</u>	203.00 <u>244.00</u>	140.00 <u>168.00</u>
68,001-70,000	331.00 <u>397.00</u>	270.00 <u>324.00</u>	209.00 <u>251.00</u>	144.00 <u>173.00</u>
70,001-72,000	341.00 <u>409.00</u>	278.00 <u>334.00</u>	215.00 <u>258.00</u>	148.00 <u>178.00</u>
72,001-74,000	351.00 <u>421.00</u>	286.00 <u>343.00</u>	221.00 <u>265.00</u>	152.00 <u>182.00</u>
74,001-76,000	361.00 <u>433.00</u>	294.00 <u>353.00</u>	227.00 <u>272.00</u>	156.00 <u>187.00</u>
76,001-78,000	371.00 <u>445.00</u>	302.00 <u>362.00</u>	233.00 <u>280.00</u>	160.00 <u>192.00</u>
78,001-80,000	381.00	310.00	239.00	164.00

	<u>457.00</u>	<u>372.00</u>	<u>287.00</u>	<u>197.00</u>
80,001-82,000	391.00	318.00	245.00	168.00
	<u>469.00</u>	<u>382.00</u>	<u>294.00</u>	<u>202.00</u>

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

Engrossed SB 2197 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2205 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, delete the words "subsection 3 of section 52-06-01," and delete the third comma and insert in lieu thereof the word "and", and delete the words ", and 8"

On page 1 of the engrossed bill, line 3, after the first comma insert the word "and", and delete the second comma

On page 1 of the engrossed bill, line 4, delete the words "sections 52-06-05, and 52-06-06"

On page 1 of the engrossed bill, line 5, delete the words "payments to ill or"

On page 1 of the engrossed bill, line 6, delete the words "disabled claimants,", and after the second comma insert the word "and"

On page 1 of the engrossed bill, delete lines 7

On page 1 of the engrossed bill, line 8, delete the word "pay"

On page 2 of the engrossed bill, delete lines 5 through 31

On page 3 of the engrossed bill, delete lines 17 through 27

On page 4 of the engrossed bill, delete lines 3 through 24

On page 5 of the engrossed bill, line 15, remove the overstrike over the words "~~one twenty-sixth~~", and delete the words "one fifty-second"

On page 5 of the engrossed bill, line 17, remove the overstrike over the word "~~higher~~", and delete the word "lower"

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On page 5 of the engrossed bill, line 19, remove the overstrike over the word "~~quarter~~", and delete the words "two quarters"

On page 5 of the engrossed bill, line 24, remove the overstrike over the words "~~eighteen percent of~~"

On page 5 of the engrossed bill, remove the overstrike over lines 25 and 26

On page 5 of the engrossed bill, delete lines 27 through 30

On page 5 of the engrossed bill, line 31, delete the words "lower multiple of one dollar"

On page 7 of the engrossed bill, overstrike lines 7 through 9

On page 7 of the engrossed bill, line 10, overstrike the numeral "2.16" and insert immediately thereafter the numeral "1.5" and overstrike the numeral "2.35" and insert immediately thereafter the numeral "2.49"

On page 7 of the engrossed bill, overstrike line 11

On page 7 of the engrossed bill, line 12, overstrike the numeral "2.56" and insert immediately thereafter the numeral "2.5" and overstrike the numeral "2.75" and insert immediately thereafter the numeral "3.49"

On page 7 of the engrossed bill, overstrike line 13

On page 7 of the engrossed bill, line 14, overstrike the numeral "2.96" and insert immediately thereafter the numeral "3.5"

On page 7 of the engrossed bill, delete lines 15 through 30

And renumber the lines, sections, and pages accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2205 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2245 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4 of the engrossed bill, delete lines 19 through 26 and insert in lieu thereof the following:

"Sale of alcoholic beverages prohibited in certain buildings.

1. A retail license may not be issued to any person when the building in which the business is to be conducted contains any other businesses if there is interior public access between the other business and the licensed premises.
2. The restrictions of this section do not apply to a licensee who, on July 1, 1983, operated a business which would not be in compliance with subsection 1. The restrictions of this section do not apply to separate business establishments in enclosed shopping areas in which the licensed premises have their own entrances from the public areas of the enclosed shopping areas and if no other businesses can be reached by going through the licensed premises."

And renumber the lines accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: A majority of your Committee on Natural Resources to which was referred Engrossed SB 2251 has had the same under consideration and recommends that the same DO PASS.

Rep. Brokaw
Rep. G. Pomeroy
Rep. C. Martin
Rep. O'Shea
Rep. R. Meyer
Rep. Gullickson
Rep. A. Meier
Rep. Lautenschlager
Rep. Murphy
Rep. W. Williams
Rep. L. Hanson

MADAM SPEAKER: A minority of your Committee on Natural Resources to which was referred Engrossed SB 2251 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 29, delete the letter "B" and insert in lieu thereof the letter "A"

On page 2 of the engrossed bill, line 30, after the numeral "1982," insert the words "except that the commission shall have the authority to modify the design and construction of treatment, pumps, reservoirs, and other related facilities in accordance with demand for capacity from the southwest pipeline project, and"

On page 2 of the engrossed bill, line 33, delete the letter "B" and insert in lieu thereof the letter "A"

And renumber the lines and pages accordingly

Rep. Kloubec
Rep. Martinson
Rep. Timm
Rep. Kretschmar
Rep. Riley
Rep. Schindler

REP. BROKAW, Chairman

Engrossed SB 2251 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred Engrossed SB 2260 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "provide for a three-mill levy to be used by boards of county commissioners and boards of township supervisors for cutting weeds along county and township roads; and to", and after the word "reenact" insert the words "subsection 2 of section 63-01.1-10.1 and"

On page 1 of the engrossed bill, line 2, after the first word "to" insert the words "city mill levies for weed control and"

On page 1 of the engrossed bill, after line 5, insert the following new sections:

"SECTION 1. County and township levy for cutting weeds. The board of county commissioners or the board of township supervisors, or both, may levy a tax, not to exceed three mills on the taxable valuation of all taxable property in the county or township, as the case may be, to purchase and maintain equipment for cutting weeds and to cut weeds along township or county roads. This tax is in

addition to any mill levy limitations provided by law but the tax shall not be levied on property within the corporate limits of a city which establishes a program under section 63-01.1-10.1.

SECTION 2. AMENDMENT. Subsection 2 of section 63-01.1-10.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The governing body of any city with a population of three thousand or more may levy a tax, not to exceed ~~two~~ three mills on the ~~net assessed~~ taxable valuation of property within the corporate limits of the city, to establish and administer the program."

On page 1 of the engrossed bill, line 20, after the period insert the following sentences: "If any state agency fails to cut the weeds and grasses as is required by section 63-05-01, the county commissioners may complete the cutting after notice to the state agency and the agency shall reimburse the county for the cost incurred. If an agency of the federal government fails to cut the weeds and grasses as is required by section 63-05-01, the county commissioners may complete the cutting after notice to the federal agency and the county commissioners shall charge the agency for the cost incurred."

And renumber the lines, sections, and pages accordingly
REP. W. MEYER, Chairman

Engrossed SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2268 has had the same under consideration and recommends by a vote of 8 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to reporting of expenditures with respect to ballot measures; and to"

On page 1 of the engrossed bill, line 12, overstrike the words "listing all contributions received"

- On page 1 of the engrossed bill, line 13, overstrike the words "in excess of one hundred dollars in the aggregate" and delete the word "from"
- On page 1 of the engrossed bill, line 14, delete the words "each contributor" and overstrike the words "for the"
- On page 1 of the engrossed bill, line 15, delete the words "twelve-month period beginning with the first day"
- On page 1 of the engrossed bill, delete line 16
- On page 1 of the engrossed bill, line 17, delete the words "of the following year" and overstrike the words ", showing the name and mailing"
- On page 1 of the engrossed bill, overstrike line 18
- On page 1 of the engrossed bill, line 19, overstrike the words "hundred dollars in the aggregate for"
- On page 1 of the engrossed bill, line 20, delete the words "each such twelve-month period" and overstrike the comma
- On page 1 of the engrossed bill, line 21, overstrike the words "and a listing of all disbursements" and delete the words "of an amount in excess"
- On page 1 of the engrossed bill, line 22, delete the words "of one hundred dollars in the aggregate" and overstrike the words "made for political"
- On page 1 of the engrossed bill, line 23, overstrike the words "purposes, no later than October fifteenth"
- On page 1 of the engrossed bill, line 24, delete the words "following each such twelve month-period" and overstrike the words "with the"
- On page 1 of the engrossed bill, line 25, overstrike the words "office of secretary of state" and insert immediately thereafter the following: "with the office of secretary of state listing total contributions received from each contributor, the name and mailing address of each contributor, and a listing of all disbursements made for political purposes. A statement covering the period beginning January first and ending September thirtieth shall be filed no later than the following October fifteenth. A statement covering the entire calendar year shall be filed no later than the following January thirtieth"

On page 4 of the engrossed bill, after line 34, insert the following new section:

"SECTION 5. A new section to chapter 16.1-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Expenditures with respect to measures. Any person that spends over five hundred dollars in support of or in opposition to any measure submitted to the people shall file a statement in accordance with this section. The statement listing the expenditures must be filed with the secretary of state no later than 4:00 p.m. on the tenth day prior to the date of the general, primary, or special election in which the ballot measure will appear complete from the beginning of the calendar year through the fifteenth day prior to the date of the general, primary, or special election. A complete statement for the entire calendar year shall be filed no later than 4:00 p.m. on the fifteenth day of January of the following calendar year. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report shall be filed no later than 4:00 p.m. on the next business day on which the office of the secretary of state is open."

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

Engrossed SB 2268 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2271 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 4, after the semicolon insert the words "to amend and reenact section 26.1-02-20 of the North Dakota Century Code, relating to reinsurance;"

On page 1 of the engrossed bill, underscore lines 8 through 27

On page 1 of the engrossed bill, line 14, delete the word "twenty" and insert in lieu thereof the word "fifteen"

On page 2 of the engrossed bill, underscore lines 1 through 35

On page 3 of the engrossed bill, underscore lines 1 through 11

On page 3 of the engrossed bill, after line 11, insert the following new section:

"SECTION 3. AMENDMENT. Section 26.1-02-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-02-20. Reinsurance permitted - Limitations. Except as otherwise provided by this section and section 26.1-02-22, any insurance company organized or admitted to transact business in this state, including a mutual company, may reinsure any part or all of any risk taken by it in any insurance company or insurer licensed in any state or any insurance company or insurer not so licensed provided it was approved or accepted by the commissioner, if that company or insurer conforms to the same standards of solvency which would be required if, at the time the reinsurance is effected, it was licensed in this state. An insurance company organized admitted to transact business in this state may reinsure a part or all of any risk taken by it in an insurance company or insurer not licensed in any state, if it is approved or accepted by the commissioner. A county mutual insurance company also may reinsure with any other county mutual insurance company. No reinsurance, however, may be effected with any company disapproved therefor by written order of the commissioner filed in the commissioner's office. A domestic insurance company organized to engage in the business of life, accident, or health insurance may not reinsure its risks or any part thereof without complying with chapter 26.1-07."

And renumber the lines, sections, and pages accordingly
REP. R. MEIERS, Chairman

Engrossed SB 2271 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2276 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 4, after the word "transportation" and before the period insert the words "; and to provide an appropriation"

- On page 1 of the engrossed bill, line 12, after the word "assembly" insert the words ", not considering any separate and supplemental payments as may be provided by law,"
- On page 1 of the engrossed bill, line 14, delete the words "in the amount of one thousand four"
- On page 1 of the engrossed bill, delete lines 15 and 16
- On page 1 of the engrossed bill, line 17, delete the words "funds distributed pursuant to this chapter"
- On page 2 of the engrossed bill, line 1, delete the word "two" and insert in lieu thereof the word "five"
- On page 2 of the engrossed bill, line 2, delete the word "sixty" and insert in lieu thereof the word "fourteen"
- On page 3 of the engrossed bill, line 4, delete the word "thirty-eight" and insert in lieu thereof the word "thirty-six", and remove the overstrike over the word "the"
- On page 3 of the engrossed bill, line 5, remove the overstrike over the word "first", delete the word "each", and remove the overstrike over the word "and"
- On page 3 of the engrossed bill, line 6, remove the overstrike over the words "thirty-eight cents during the second year of the", and after the numerals "1981-83" insert the numerals "1983-85"
- On page 3 of the engrossed bill, line 7, remove the overstrike over the word "biennium", and overstrike the word "sixteen" and insert immediately thereafter the word "nine"
- On page 3 of the engrossed bill, line 8, delete the word "seventy-six" and insert in lieu thereof the words "seventy-three and one-half"
- On page 3 of the engrossed bill, line 9, remove the overstrike over the words "the first" and delete the word "each"
- On page 3 of the engrossed bill, line 10, remove the overstrike over the words "and seventy-six cents per mile"
- On page 3 of the engrossed bill, line 11, remove the overstrike over the words "{1-61 kilometers} the second year of the", and after the numerals "1981-83"

insert the numerals "1983-85", and remove the overstrike over the word "~~biennium~~"

On page 3 of the engrossed bill, line 12, overstrike the word "seventeen" and insert immediately thereafter the word "ten"

On page 3 of the engrossed bill, line 14, overstrike the word "seventeen" and insert immediately thereafter the word "ten"

On page 3 of the engrossed bill, after line 17, insert the following new section:

"SECTION 3. APPROPRIATION - SUPPLEMENTAL PER-PUPIL PAYMENT. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, \$6,500,000, or such lesser amounts as may be necessary, to the school aid fund, for the state superintendent of public instruction to make, in the manner provided in sections 15-40.1-07 and 15-40.1-08, a separate and supplemental per-pupil foundation program payment not to exceed \$50 per pupil for the year ending June 30, 1985. The amounts herein appropriated shall only become available in full if the unobligated general fund balance at the end of the biennium, taking into consideration these per-pupil payments, is estimated in June 1984 by the office of management and budget to be at least \$54,000,000 before payment of any compensation adjustments pursuant to House Bill No. 1729. If in June 1984 the office of management and budget estimates there will be insufficient moneys in the general fund to pay the supplemental per-pupil payments as provided by this Act and also maintain a \$54,000,000 unobligated end-of-biennium general fund balance before considering payment of compensation adjustments pursuant to House Bill No. 1729, the supplemental per-pupil payments shall be eliminated or reduced to a lesser amount in accordance with superintendent of public instruction guidelines to maintain a \$54,000,000 balance after the supplemental per-pupil payments."

And renumber the lines and pages accordingly

REP. JACOBSON, Chairman

Engrossed SB 2276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2277 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING

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

On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "15-40.1-07" insert the words "and 15-41-06"

On page 1 of the engrossed bill, line 3, after the word "payments" and before the period insert the words "and coursework requirements for high school students"

On page 3 of the engrossed bill, after line 18, insert the following new section:

"SECTION 2. AMENDMENT. Section 15-41-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-06. High school courses - Requirements - Credits. Four units of high school work shall be considered the minimum number of any year from the ninth grade ~~to~~ through the ~~twelfth~~ eleventh grade. Students in their fourth year of standard high school coursework may be enrolled in fewer than four units if the students require fewer than four units for graduation in that year. In addition, students from the ages of sixteen through eighteen who are enrolled in approved alternative high school education programs may be enrolled in fewer than four units of standard high school coursework. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days, subject to the provisions of section 15-47-33, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise."

And renumber the lines and pages accordingly

REP. JACOBSON, Chairman

Engrossed SB 2277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

THURSDAY, MARCH 17, 1983

1993

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2306 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 5, after the period insert the following sentence: "In addition, the employer may deduct a fee of one dollar per month to cover the employer's expense involved in holding and transmitting the assignment."

And renumber the lines accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2306 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2309 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.2-02 of the North Dakota Century Code as created by House Bill No. 1072, as approved by the forty-eighth legislative assembly; and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to motor fuel taxes; and to provide for distribution of the increased revenue.

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

SECTION 1. AMENDMENT. Section 57-43.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. A

1. Except as otherwise provided in this section, a tax of eight thirteen cents per

gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state ~~except the~~.

2. The tax imposed on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol is four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
3. The dealer shall collect the tax imposed by this section from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax.

SECTION 2. AMENDMENT. Section 57-43.2-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1072 as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.2-02. Tax imposed - Exemptions.

1. An excise tax of ~~eight~~ thirteen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any special fuel user, except that special fuel to be used for heating, agricultural, or railroad purposes or for industrial purposes other than in the performance of a contract with any unit of government is exempt from the tax imposed by this chapter, provided that the sale or delivery of special fuel for use in a motor vehicle is not exempt.
2. The tax imposed by this section on agriculturally derived alcohol if used in a pure state or if blended with another agriculturally derived liquid is four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
3. The tax attaches at the time of sale, delivery, or transfer of title of such special fuel to a special fuel user. The special fuel dealer shall collect the tax

from the special fuel user and pay the tax to the commissioner as provided in this chapter.

4. Except as prohibited by section 57-43.1-09 the tax is refundable when used for nonhighway purposes, and the provisions and procedures of chapter 57-43.1 relating to the refund of motor fuel taxes apply to the tax imposed by this chapter, provided that the amount refunded for any special fuel does not include the amount of tax imposed by section 57-43.2-03 on the sale of that fuel.

SECTION 3. AMENDMENT. If House Bill No. 1072 does not become effective, section 57-52-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-52-04. Tax imposed Exemptions. There is hereby levied and imposed

1. Except as otherwise provided in this section, an excise tax of eight thirteen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any special fuel user, except that special fuel to be used for heating, agricultural, or railroad purposes or for industrial purposes other than in the performance of a contract with any unit of government shall be exempt from the tax imposed by this chapter, provided that the sale or delivery of special fuel for use in a motor vehicle shall not be exempt. Provided, however, the
2. The tax imposed by this section on agriculturally derived alcohol if used in a pure state or if blended with another agriculturally derived liquid shall be is four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
3. Said The tax shall attach attaches at the time of sale, delivery, or transfer of title of such special fuel to a special fuel user. Such The tax shall must be collected from the special fuel user by the special fuel dealer and paid over to the state tax commissioner as hereinafter provided.

4. Except as prohibited by section 57-50-05.1, the tax imposed herein shall be is refundable when used for nonhighway purposes, and the provisions and procedures of chapter 57-50 relating to the refund of motor fuel taxes shall apply to the tax imposed by this chapter, provided that the amount refunded for any special fuel shall not include the amount of tax imposed by section 57-53-02 on the sale of that fuel.

SECTION 4. AMENDMENT. If House Bill No. 1073 does not become effective, section 57-54-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. There is hereby imposed

1. Except as otherwise provided in this section a tax of eight thirteen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state. Provided, however, the
2. The tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol shall be is four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
3. The tax imposed by this section shall must be collected by the dealer from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and he shall have the option of collecting who may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer shall be is liable for the tax thereon.

SECTION 5. Partial distribution to townships. The tax commissioner shall transfer the proceeds of one cent of the tax imposed by this Act to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury. The state treasurer shall quarterly allocate and distribute all moneys in the township highway aid

fund to the counties of the state. The county treasurer shall allocate the funds received to the organized townships in the county based on the mileage of township roads in each organized township compared to the mileage of all township roads in the county. The funds received must be deposited in the township road and bridge fund and be used for highway and bridge purposes. If a county has no organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the number of miles of roads in unorganized townships compared to the number of miles of township roads in organized townships in the county. Moneys retained by a county under this section must be deposited in the county road and bridge fund."

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

Engrossed SB 2309 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred Engrossed SB 2322 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, line 9, after the word "recover" insert the word "upland" and after the word "game" insert the words "and waterfowl"

And renumber the lines accordingly

REP. BROKAW, Chairman

Engrossed SB 2322 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2354 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 11, delete the word "fifty-three" and insert in lieu thereof the words "fifty-six"

On page 1 of the engrossed bill, line 12, delete the words "nine hundred" and insert in lieu thereof the word "fifty-six" and overstrike the words "and commencing

on July 1," and delete the numeral "1984" and overstrike the second comma

On page 1 of the engrossed bill, line 13, overstrike the words "an annual salary of" and delete the word "fifty-five"

On page 1 of the engrossed bill, line 14, delete the words "thousand five hundred eighteen" and overstrike the word "dollars"

On page 1 of the engrossed bill, line 22, delete the word "fifty" and insert in lieu thereof the word "fifty-two"

On page 1 of the engrossed bill, line 23, after the word "hundred" insert the words "twenty-four" and overstrike the words "and commencing on July 1," and delete the numeral "1984," and overstrike the word "of"

On page 1 of the engrossed bill, line 24, delete the words "fifty-two thousand one hundred eighteen" and overstrike the word "dollars"

And renumber the lines accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2354 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2373 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, delete the words "a new subsection to section 39-06-31,"

On page 1 of the engrossed bill, line 11, delete the words "subsection 1 of section 39-06.1-05,"

On page 1 of the engrossed bill, line 14, delete the numerals "40-05-06,"

On page 1 of the engrossed bill, line 15, delete the numerals "40-18-12," and delete the numerals "40-18-13" and insert in lieu thereof the numerals "40-18-01"

On page 3 of the engrossed bill, line 32, delete the word "man" and insert in lieu thereof the word "person"

- On page 4 of the engrossed bill, line 20, after the period insert the words "If the conviction referred to in this section is reversed by an appellate court, the commissioner shall restore the person to the status held by the person prior to the conviction, including resotration of driving privileges if appropriate."
- On page 5 of the engrossed bill, delete lines 1 through 8
- On page 5 of the engrossed bill, line 23, delete the words "sections" and insert in lieu thereof the word "section" and delete the word and numerals "and 39-06-31"
- On page 5 of the engrossed bill, line 30, remove the overstrike over the words "in the county"
- On page 5 of the engrossed bill, line 31, remove the overstrike over the words "wherein the licensee resides unless the department and licensee"
- On page 5 of the engrossed bill, line 32, remove the overstrike over the words "agree that such hearing may be held in some other county" and delete the words "at a time"
- On page 5 of the engrossed bill, line 33, delete the words "and place designated by the commissioner"
- On page 6 of the engrossed bill, line 12, delete the numeral "15" and insert in lieu thereof the numeral "13"
- On page 6 of the engrossed bill, line 22, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 7 of the engrossed bill, line 6, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 8 of the engrossed bill, line 10, delete the word "shall" and insert in lieu thereof the word "may"
- On page 8 of the engrossed bill, line 22, delete the word "shall" and insert in lieu thereof the word "may"
- On page 9 of the engrossed bill, delete lines 15 through 23
- On page 9 of the engrossed bill, line 29, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 15 of the engrossed bill, line 30, delete the numeral "15" and insert in lieu thereof the numeral

"13" and delete the numeral "23" and insert in lieu thereof the numeral "21"

On page 16 of the engrossed bill, line 11, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 16 of the engrossed bill, line 29, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 18 of the engrossed bill, line 5, remove the overstrike over the word "ex"

On page 18 of the engrossed bill, line 8, delete the word "; or" and insert in lieu thereof a period

On page 18 of the engrossed bill, delete lines 9 and 10

On page 19 of the engrossed bill, line 18, after the word "and" insert the following:

" if the test results show a blood alcohol level of at least fifteen one-hundredths of one percent by weight,"

On page 21 of the engrossed bill, line 31, delete the second comma and insert in lieu thereof the word "or", and delete the words "credit for" and insert in lieu thereof an underscored period

On page 21 of the engrossed bill, delete lines 32 through 35

On page 22 of the engrossed bill, line 20, after the word "used" and before the period insert the words " and if a breath test is determined by the arresting officer to be the appropriate test, the arresting officer shall, if practicable, permit the person charged to make arrangements for such alternate tests as desired by the person charged, all costs of which are the sole responsibility of the person charged. The arresting officer shall inform the person charged that refusal of the person to submit to the test determined appropriate will result in a suspension for one year of that person's driving privileges"

On page 22 of the engrossed bill, line 27, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 23 of the engrossed bill, line 14, delete the numeral "29" and insert in lieu thereof the numeral "27"

- On page 23 of the engrossed bill, line 22, delete the numeral "28" and insert in lieu thereof the numeral "26".
- On page 25 of the engrossed bill, line 13, delete the numeral "28" and insert in lieu thereof the numeral "26".
- On page 25 of the engrossed bill, line 27, after the period insert the words "If the hearing officer has determined in favor of the person, the commissioner shall return the person's operator's license, but is not precluded from challenging the decision of the hearing officer through the process of judicial review."
- On page 26 of the engrossed bill, line 9, after the word "decision" and before the period insert the words "or the person whose operator's license is affected, if the appeal is taken by the commissioner"
- On page 26 of the engrossed bill, line 12, delete the words "from the aggrieved person"
- On page 27 of the engrossed bill, line 28, remove the overstrike over the words "is authorized to" and delete the word "shall"
- On page 29 of the engrossed bill, line 1, remove the overstrike over the word "The" and delete the words "Except as"
- On page 29 of the engrossed bill, line 2, delete the words "provided in subsection 3 of section 39-20-07, the"
- On page 29 of the engrossed bill, line 5, after the word "Liquor" and before the period insert the words "but the purpose of such evidence shall be limited to the issues of probable cause and validity of the test results"
- On page 30 of the engrossed bill, line 27, delete the numeral "28" and insert in lieu thereof the numeral "26".
- On page 31 of the engrossed bill, line 32, delete the numeral "28" and insert in lieu thereof the numeral "26".
- On page 32 of the engrossed bill, delete lines 1 through 35 and insert in lieu thereof the following:

"SECTION 29. AMENDMENT. Section 40-18-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-01. Jurisdiction of municipal judge. The municipal judge within a city having a population of three thousand or more shall be an attorney licensed to practice law in this state, unless no person so licensed is available in the city, and shall have exclusive jurisdiction of, and shall hear, try, and determine, all offenses against the ordinances of the city. The offices of county judge and municipal judge may not be held by the same person. In a city with a population of less than three thousand, the municipal judge may be, but need not be, an attorney licensed to practice law in this state, nor shall he be required to be a resident of the city in which he is to serve. Notwithstanding any other provision of law, the municipal court or municipal judge shall have no jurisdiction to hear, try, and determine an offense which would be a violation of section 39-08-01 or equivalent ordinance, if the person charged with the offense has previously violated section 39-08-01 or equivalent ordinance within the five years preceding the commission of the offense charged. If such an offense is charged in the municipal court and the municipal judge has notice of violation of section 39-08-01 or equivalent ordinance within the five years preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice, and direct that the charge be filed against the person in the county court."

On page 33 of the engrossed bill, delete lines 1 through 35

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

Engrossed SB 2373 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Reengrossed SB 2394 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same be placed on the calendar without recommendation:

On page 1 of the reengrossed bill, line 1, after the word "to" insert the words "create and enact section 15-47-27.1 of the North Dakota Century Code, relating to the renewal and nonrenewal of first-year teachers; and to"

- On page 1 of the reengrossed bill, line 4, delete the word "teachers'" and after the word "contracts" and before the period insert the words "of teachers who have taught for more than one year"
- On page 1 of the reengrossed bill, line 21, delete the words "two years" and insert in lieu thereof the word "year"
- On page 1 of the reengrossed bill, line 28, overstrike the words "the fifteenth day of February" and insert immediately thereafter the words "March first"
- On page 2 of the reengrossed bill, line 1, overstrike the words "the fifteenth day of", and after the word "May" insert the word "first"
- On page 2 of the reengrossed bill, line 8, delete the word "May", overstrike the word "fifteenth" and insert immediately thereafter the words "May first", and overstrike the word "February"
- On page 2 of the reengrossed bill, line 9, overstrike the word "fifteenth" and insert immediately thereafter the words "March first"
- On page 2 of the reengrossed bill, line 16, delete the word "May", and overstrike the word "fifteenth" and insert immediately thereafter the words "May first"
- On page 2 of the reengrossed bill, line 21, delete the word "June", and overstrike the word "fifteenth" and insert immediately thereafter the words "June first"
- On page 2 of the reengrossed bill, line 28, delete the words "an annual" and insert in lieu thereof the word "two", and delete the words "evaluation is" and insert in lieu thereof the words "evaluations are"
- On page 2 of the reengrossed bill, line 29, after the word "district" and before the period insert the words "during each school year"
- On page 2 of the reengrossed bill, line 30, after the word "be" insert the words "completed and", and after the word "teacher" and before the period insert the words "no later than December fifteenth for the first review and February twenty-eighth for the second review each year"
- On page 2 of the reengrossed bill, after line 30, insert the following new section:

"SECTION 3. Section 15-47-27.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-47-27.1. Renewal, nonrenewal, and evaluation of first-year teachers. Each school district and the director of institutions in this state shall have an established system through which two written evaluations are prepared during each school year for every teacher who is in his or her first year of teaching. The evaluation must be in the form of written performance reviews, and the first review must be completed and made available to first-year teachers no later than December fifteenth and the second review must be completed and made available no later than February twenty-eighth of each year.

If a school board or the director of institutions determines not to renew the contract of a first-year teacher, written notification of the decision of nonrenewal must be given to the teacher no earlier than April fifteenth nor later than May first. Failure by a school board or the director of institutions to provide written notification of nonrenewal to a first-year teacher by May first constitutes an offer to renew the contract of the teacher for the ensuing school year under the same terms and conditions as the contract for the current year. Such notification of nonrenewal given to a first-year teacher must contain a detailed description of the reason or reasons for the nonrenewal."

- On page 3 of the reengrossed bill, line 2, remove the overstrike over the word "~~April~~", delete the word "May", and overstrike the word "first" and insert immediately thereafter the word "fifteenth"
- On page 3 of the reengrossed bill, line 4, remove the overstrike over the word "~~April~~", delete the word "May", and overstrike the word "seventh" and insert immediately thereafter the word "twenty-first"
- On page 3 of the reengrossed bill, line 11, delete the word "a", and delete the word "review" and insert in lieu thereof the word "reviews"
- On page 3 of the reengrossed bill, line 13, delete the second word "an" and insert in lieu thereof the word "two"

On page 3 of the reengrossed bill, line 14, delete the word "annual", and delete the words "evaluation is" and insert in lieu thereof the words "evaluations are"

On page 3 of the reengrossed bill, line 15, after the word "district" and before the period insert the words "during each school year"

On page 3 of the reengrossed bill, line 16, after the word "be" insert the words "completed and", and after the word "teacher" and before the period insert the words "no later than December fifteenth for the first review and February twenty-eighth for the second review each year"

On page 4 of the reengrossed bill, line 14, delete the word "May"

On page 4 of the reengrossed bill, line 15, overstrike the word "fifteenth" and insert immediately thereafter the words "May first"

And renumber the lines, sections, and pages accordingly
REP. JACOBSON, Chairman

Reengrossed SB 2394 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2402 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 1, delete the word "Racket" and insert in lieu thereof the word "Racketeer", after the word "Influenced" insert the word "and", delete the word "Organization" and insert in lieu thereof the word "Organizations"

On page 1 of the engrossed bill, line 3, after the semicolon insert the word "and"

On page 1 of the engrossed bill, line 4, delete the words "; and to provide an expiration date"

On page 1 of the engrossed bill, line 11, delete the word "they" and insert in lieu thereof the words "such persons"

On page 1 of the engrossed bill, line 13, delete the word "changes" and insert in lieu thereof the words "may change"

- On page 2 of the engrossed bill, line 1, delete the word "individuals" and insert in lieu thereof the word "persons"
- On page 2 of the engrossed bill, line 5, delete the words "operating pursuant to law" and insert in lieu thereof the words "under the jurisdiction of the state department of banking and financial institutions or its commissioner, or the state banking board, or the state credit union board"
- On page 2 of the engrossed bill, line 6, after the word "act" insert the words "including any criminal attempt, facilitation, solicitation, or conspiracy"
- On page 5 of the engrossed bill, line 3, delete the word "an" and insert in lieu thereof the word "that"
- On page 5 of the engrossed bill, line 31, after the word "orders" insert the words ", receivership orders"
- On page 5 of the engrossed bill, line 34, delete the word "damage" and insert in lieu thereof the word "damages"
- On page 6 of the engrossed bill, line 13, after the word "damages" insert the words "and appropriate restitution"
- On page 6 of the engrossed bill, line 16, delete the word "of" and insert in lieu thereof the words "and reasonable attorneys fees concerned with"
- On page 6 of the engrossed bill, line 23, after the word "Forfeiture" insert the words ", pursuant to chapter 32-14,"
- On page 9 of the engrossed bill, line 24, after the word "property" insert the words ", interests in property,"
- On page 13 of the engrossed bill, line 14, after the period insert the words "The fact that records have been obtained may not be released in any way by the financial institution until ninety days after the release."

On page 14 of the engrossed bill, delete lines 12 and 13

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

Engrossed SB 2402 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2413 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 16, after the word "to" insert the word "such" and delete the word "for" and insert in lieu thereof the words "as defined in section 32-21-02"

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2413 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2421 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 12, delete the word "his" and insert in lieu thereof the word "the"

And renumber the lines accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2421 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2455 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 3, delete the words "subsections 4, 5, and 8 of"

On page 1 of the engrossed bill, line 4, delete the words "section 12.1-27.1-01 and"

On page 1 of the engrossed bill, delete lines 9 through 27

On page 2 of the engrossed bill, delete lines 1 through 23

On page 3 of the engrossed bill, line 9, delete the words "Create, reproduce, or publish" and insert in lieu thereof the word "Promote"

On page 3 of the engrossed bill, after line 21 insert the following new subsection:

"2. It is an affirmative defense to a charge under this section that the material or performance involved was disseminated or presented for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge, or other person having a proper interest in the material or performance."

And renumber the lines, subsections, sections, and pages accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Reengrossed SB 2473 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the reengrossed bill, line 5, after the word "section" delete the words "12.1-23-03, subsection 9 of section 12.1-23-10, and sections" and insert in lieu thereof the words "33-06-02 of the North Dakota Century Code, as amended by House Bill No. 1056, as approved by the forty-eighth legislative assembly, relating to eviction actions; and to declare an emergency."

On page 1 of the reengrossed bill, delete lines 6 through 9

On page 1 of the reengrossed bill, delete lines 12 through 28

On page 2 of the reengrossed bill, delete lines 1 through 21 and insert in lieu thereof the following new section:

"SECTION 1. AMENDMENT. Section 33-06-02 of the North Dakota Century Code as amended by House Bill No. 1056, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

33-06-02. Appearance - Notice of intention to evict - When required - When and how served. In any action for eviction the time specified in the summons for the

appearance of the defendant may not be less than three nor more than fifteen days from the date on which it is issued. In all cases arising under subsections 4, 5, and 6 of section 33-06-01, three days' written notice of intention to evict must be given to the lessee, subtenant, or party in possession, before proceedings can be instituted. Such The notice may be served and returned as a summons is served and returned. Service by delivery of a copy of the summons to the defendant in person within the county must be made at least three days before the time fixed for the appearance of the defendant. Service elsewhere or personal service in any other mode must be made at least seven days before the time fixed for the appearance of the defendant."

On page 2 of the reengrossed bill, line 27, delete the word "three" and insert in lieu thereof the word "fifteen", and after the first word "the" insert the words "tenant has vacated the premises after the"

On page 3 of the reengrossed bill, delete lines 5 through 11

On page 3 of the reengrossed bill, after line 11 insert the following new section:

"SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly
REP. E. POMEROY, Chairman

Reengrossed SB 2473 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred SB 2175 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. R. MEIERS, Chairman

SB 2175 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2184 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

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

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2226 has had the same under consideration and recommends by a vote of 11 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

Engrossed SB 2226 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred Reengrossed SB 2239 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. W. MEYER, Chairman

Reengrossed SB 2239 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Reengrossed SB 2250 has had the same under consideration and recommends by a vote of 16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

Reengrossed SB 2250 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred SB 2265 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2265 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Reengrossed SB 2351 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

Reengrossed SB 2351 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2355 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

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Engrossed SB 2355 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2414 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. R. MEIERS, Chairman

Engrossed SB 2414 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred SB 2453 has had the same under consideration and recommends by a vote of 18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2453 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2456 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. R. MEIERS, Chairman

Engrossed SB 2456 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk