

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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THIRTY-FIRST DAY

Bismarck, February 15, 1983

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

The prayer was offered by Rev. John Lee, Trinity Lutheran Church, Lisbon.

Our Father in heaven, how good it is to begin our day in conversation with You. You are our heavenly Father, a loving parent, who is always accessible to us, watching over us, hoping and dreaming with us, reassuring and helping us as we face each day's challenges.

As we live this day, may Your Name be holy among us, so that respect and honor for You may guide all our words and our deeds, all our deliberations and our decisions.

May Your kingdom and rule empower us, Your servants and legislators, to govern the affairs of our state in a wise and orderly manner.

May we always seek Your will, that we may make honest and forthright decisions, based upon the laws of Your love.

Give us daily bread, enough for today--food, clothing, shelter--that we may be freed from worry and anxiety over personal and family needs, and that, trusting in Your providing hands, we may concentrate on the business set before us.

Forgive us our sins, the harm that we have deliberately inflicted and the mistakes that we have made, through ignorance or carelessness or callousness of heart and tongue and mind.

Help us to forgive others, who have offended us with irritating words, with angry rebuttals, or with persistent antagonism and harangue.

Save us from times of trial, from the temptation to serve only ourselves or our constituency, overlooking the good of all, and from indifference, weariness, and unkindness.

Deliver us from evil, from all that would harm us, hinder us, and lead us away from serving You and our fellow man.

To You, heavenly Father, we give our thanks and our praise,
for Yours is the kingdom without bounds, the power
unlimited, and the glory unending, forever and ever. Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirtieth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE

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:

SB 2007, SB 2008, SB 2010, SB 2011, SB 2012, SB 2013,
SB 2014, SB 2036, SB 2084, SB 2172, SB 2296, SB 2351,
SB 2426, SB 2449, SB 2455

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4013

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

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:

HB 1022, HB 1072, HB 1073, HB 1264, HB 1336, HB 1338,
HB 1650, HB 1680, HCR 3023, HCR 3042

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2003, SB 2021, SB 2027, SB 2033, SB 2040, SB 2067,
SB 2074, SB 2299, SB 2350, SB 2464, SB 2476, SB 2487

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly reengrossed:

SB 2473

SEN. FRITZELL, Chairman

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

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2009 as recommended by the Committee on Appropriations as printed on pages 763-765 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2030 as recommended by the Committee on Appropriations as printed on pages 765 and 766 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2173 as recommended by the Committee on Industry, Business, and Labor as printed on pages 766-768 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2179 as recommended by the Committee on Finance and Taxation as printed on pages 768-771 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SCR 4029 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 772 of the Senate Journal be adopted, which motion prevailed.

MOTIONS

SEN. NOTHING MOVED that SB 2228 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

SEN. NOTHING REQUESTED the unanimous consent of the Senate to withdraw SB 2228. There being no objection, it was so ordered by the President.

SEN. NETHING MOVED that SB 2439 be returned to the Senate floor from the Committee on Education, which motion prevailed.

SEN. NETHING REQUESTED the unanimous consent of the Senate to withdraw SB 2439. There being no objection, it was so ordered by the President.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2001 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the semicolon insert the words "providing for a transfer of funds from the coal development impact fund; to create and enact three new sections to chapter 38-14.1 and one new section to chapter 54-46 of the North Dakota Century Code, relating to a reclamation research advisory committee and a transfer of records management functions; to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code as amended by chapter 480 of the 1977 Session Laws of North Dakota, and section 26.1-01-09 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to salaries of elected state officials; to repeal chapter 481 of the 1977 Session Laws of North Dakota and chapter 521 of the 1981 Session Laws of North Dakota, relating to salaries of elected state officials; providing an effective date;"

On page 1, line 13, delete the words "biennium beginning July 1, 1983, and" and insert in lieu thereof the word "period"

On page 1, line 17, delete the numerals "869,085" and insert in lieu thereof the numerals "845,840"

On page 1, line 23, delete the numerals "1,159,054" and insert in lieu thereof the numerals "1,135,809"

On page 2, line 10, delete the numerals "53,338" and insert in lieu thereof the numerals "58,881"

On page 2, after line 10, insert the following new line:

"Salary contingency 2,600"

On page 2, line 12, delete the numerals "58,538" and insert in lieu thereof the numerals "66,681"

On page 2, line 15, delete the numerals "761,983" and insert in lieu thereof the numerals "660,153"

On page 2, line 16, delete the numerals "107,068" and insert in lieu thereof the numerals "79,600"

On page 2, after line 16, insert the following new lines:

"Data processing	150,348
Petition review	10,000
Election law administration	50,000"

On page 2, line 18, delete the numerals "872,051" and insert in lieu thereof the numerals "953,101"

On page 2, line 26, delete the numerals "143,491" and insert in lieu thereof the numerals "135,739"

On page 2, line 29, delete the numerals "181,541" and insert in lieu thereof the numerals "173,789"

On page 2, line 32, delete the numerals "4,032,008" and insert in lieu thereof the numerals "3,824,885"

On page 3, after line 1, insert the following new line:

"Gaming enforcement division	200,000"
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On page 3, line 3, delete the numerals "5,937,568" and insert in lieu thereof the numerals "5,930,445"

On page 3, line 5, delete the numerals "5,737,568" and insert in lieu thereof the numerals "5,730,445"

On page 3, line 8, delete the numerals "2,388,471" and insert in lieu thereof the numerals "2,282,082"

On page 3, line 12, delete the numerals "2,754,515" and insert in lieu thereof the numerals "2,648,126"

On page 3, line 15, delete the numerals "487,379" and insert in lieu thereof the numerals "476,086"

On page 3, line 19, delete the numerals "565,510" and insert in lieu thereof the numerals "554,217"

On page 3, line 22, delete the numerals "6,095,505" and insert in lieu thereof the numerals "5,827,522"

On page 3, line 26, delete the numerals "8,843,120" and insert in lieu thereof the numerals "8,575,137"

On page 3, line 29, delete the numerals "877,304" and insert in lieu thereof the numerals "933,022"

On page 3, delete line 33 and insert in lieu thereof the following new line:

"Total appropriation from state bonding fund
\$1,097,892"

On page 4, line 2, delete the numerals "343,526" and insert in lieu thereof the numerals "339,105"

On page 4, line 4, delete the numerals "495,076" and insert in lieu thereof the numerals "490,655"

On page 4, line 6, delete the numerals "403,076" and insert in lieu thereof the numerals "398,655"

On page 4, line 9, delete the numerals "3,442,020" and insert in lieu thereof the numerals "3,323,565"

On page 4, line 13, delete the numerals "8,200,948" and insert in lieu thereof the numerals "8,082,493"

On page 4, line 14, delete the numerals "4,051,492" and insert in lieu thereof the numerals "4,008,319"

On page 4, line 15, delete the numerals "4,149,456" and insert in lieu thereof the numerals "4,074,174"

On page 4, line 18, delete the numerals "1,539,099" and insert in lieu thereof the numerals "1,466,984"

On page 4, after line 19, insert the following:

"Marketing division activities 100,000"

On page 4, line 22, delete the numerals "2,544,712" and insert in lieu thereof the numerals "2,572,597"

On page 4, line 23, delete the numerals "200,351" and insert in lieu thereof the numerals "193,896"

On page 4, line 24, delete the numerals "2,344,361" and insert in lieu thereof the numerals "2,378,701"

On page 4, delete lines 25 through 35

On page 5, delete lines 1 through 28

On page 5, line 29, delete the numerals "28,677,796" and insert in lieu thereof the numerals "27,000,635"

On page 5, line 30, delete the numerals "4,543,843" and insert in lieu thereof the numerals "6,092,107"

On page 5, line 31, delete the numerals "33,221,639" and insert in lieu thereof the numerals "33,092,742"

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

"SECTION 6. AMENDMENT. Section 4-01-21 of the North Dakota Century Code as amended by section 1 of chapter 480 of the 1977 Session Laws is hereby amended and reenacted to read as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture shall receive an annual salary of thirty-three is forty-three thousand five three hundred eighty dollars.

SECTION 7. AMENDMENT. Section 15-21-02 of the North Dakota Century Code as amended by section 2 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction shall receive an annual salary of thirty-four is forty-four thousand twenty-eight dollars. He shall be allowed in addition thereto his expenses incurred in the discharge of his official duties, such expenses to be paid monthly on a warrant prepared by the department of accounts and purchases office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

SECTION 8. AMENDMENT. If House Bill No. 1054 does not become effective, section 26-01-03 of the North Dakota Century Code as amended by section 3 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

26-01-03. Salary of commissioner of insurance. The annual salary of the commissioner of insurance shall be thirty-three is forty-three thousand five three hundred eighty dollars.

SECTION 9. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is thirty-three

forty-three thousand ~~five~~ three hundred eighty dollars.

SECTION 10. AMENDMENT. Section 34-05-01.2 of the North Dakota Century Code as amended by section 4 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor shall be administered by a commissioner of labor who shall be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to ~~chapter 16-08~~ title 16.1. Following his election, the term of the commissioner of labor shall commence on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture ~~and labor~~ and he shall receive an. The annual salary of ~~thirty-three~~ the commissioner of labor is forty-three thousand five three hundred eighty dollars.

SECTION 11. A new section to chapter 38-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reclamation research advisory committee. The governor shall appoint a five-member reclamation research advisory committee. Appointments must be for staggered three-year terms. The committee shall consist of one representative from the university of North Dakota, one representative from North Dakota state university, one representative from the commission, and two representatives from the lignite industry who are involved in the reclamation process. Each appointee must have experience or involvement in reclamation problems and processes and a technical four-year degree in the earth or natural sciences. The members of the committee shall serve without compensation or expense reimbursement.

SECTION 12. A new section to chapter 38-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Advisory committee responsibilities. The committee, after consultation with the commission, shall adopt procedures under which it is to operate. The responsibilities of the committee, with the administrative and staff assistance and accounting of all funds to be provided by the commission, include:

1. An inventory and brief description and analysis of the conclusions from all reclamation research projects in this state that have been conducted to date as well as an inventory and brief description of all on-going projects.
2. A review of all reclamation research to prevent duplication, to identify all existing or future research needs and objectives, and to prioritize all future reclamation research according to the criteria established in section 13 of this Act.
3. A review of all future reclamation research projects and a determination of which reclamation research projects should be funded and the proper funding levels for the projects.
4. Preparation of future reclamation research budgets for inclusion in the commission's budget.
5. Preparation of yearly reports to the legislative council on the status of any reclamation research projects, conclusions reached, and future goals and objectives.

SECTION 13. A new section to chapter 38-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Advisory committee reclamation research criteria. The reclamation research advisory committee shall make all recommendations and final decisions on the specific reclamation research projects that are to be funded from the coal development impact fund. Prior to awarding reclamation research funds, the commission must receive the recommendations of the committee and abide by its decisions for funding reclamation research. For any reclamation research project to be approved for funding by the reclamation research advisory committee, each proposed project must meet all of the following criteria:

1. Development of data and conclusions that will assist in returning the land to its original or better productivity.
2. Development of data and conclusions that will assist in returning the land to an

approved post-mining land use as soon as possible after mining.

3. Development of data and conclusions that will reduce or eliminate regulatory costs which are not necessary in order to effectively reclaim the land to its original or better productivity.

SECTION 14. AMENDMENT. Section 49-01-05 of the North Dakota Century Code as amended by section 5 of chapter 480 of the 1977 Session Laws is hereby amended and reenacted to read as follows:

49-01-05. Salary of commissioners. The annual salary of each a commissioner shall be thirty-three is forty-three thousand five three hundred eighty dollars per annum which shall be full compensation for all official services. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 15. AMENDMENT. Section 54-07-04 of the North Dakota Century Code as amended by section 6 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-07-04. Salary of governor. The annual salary of the governor shall receive an annual salary of forty-seven is sixty thousand eight hundred sixty-two dollars for all services performed by him.

SECTION 16. AMENDMENT. Section 54-08-03 of the North Dakota Century Code as amended by section 7 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor shall receive an annual salary of eight is twelve thousand five hundred dollars for all services performed by him.

SECTION 17. AMENDMENT. Section 54-09-05 of the North Dakota Century Code as amended by section 8 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state shall receive an annual salary of thirty-three is forty-three thousand five three hundred eighty dollars.

SECTION 18. AMENDMENT. Section 54-10-10 of the North Dakota Century Code as amended by section 9 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor shall receive an annual salary of thirty-three is forty-three thousand five three hundred eighty dollars.

SECTION 19. AMENDMENT. Section 54-11-13 of the North Dakota Century Code as amended by section 10 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer shall receive an annual salary of thirty-three is forty-three thousand five three hundred eighty dollars.

SECTION 20. AMENDMENT. Section 54-12-11 of the North Dakota Century Code as amended by section 11 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general shall receive an annual salary of thirty-eight is forty-nine thousand two hundred six dollars.

SECTION 21. A new section to chapter 54-46 of the North Dakota Century Code is hereby created and enacted to read as follows:

Transfer of records management functions authorized. The secretary of state and the director of the office of management and budget may agree to permanently transfer the administration of the state's records management functions authorized by this chapter and chapter 54-46.1 to the office of management and budget. Upon the effective date of any agreement, the director of the office of management and budget is the state records administrator and shall perform the duties of the state records administrator as prescribed in this chapter, chapter 54-46.1, and section 55-02.1-06.

SECTION 22. AMENDMENT. Section 57-01-04 of the North Dakota Century Code as amended by section 12 of chapter 480 of the 1977 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

57-01-04. Salary. The annual salary of the state tax commissioner ~~shall be thirty-three~~ is forty-three thousand ~~five~~ three hundred eighty dollars.

SECTION 23. REPEAL. Chapter 481 of the 1977 Session Laws of North Dakota and chapter 521 of the 1981 Session Laws of North Dakota are hereby repealed.

SECTION 24. EFFECTIVE DATE. Sections 6 through 10, sections 14 through 20, and sections 22 and 23 are effective as of January 1, 1983. The annual salary of the public service commissioner elected to the term of office commencing on January 1, 1983, is forty-eight thousand dollars until the passage and approval of this Act.

SECTION 25. APPROPRIATION. A sum in the amount of \$500,000 is hereby appropriated and transferred from the coal development impact fund to the public service commission for coal reclamation research grants for the biennium beginning July 1, 1983, and ending June 30, 1985. The public service commission shall administer and account for all reclamation research grant funds funded from the coal development impact fund."

On page 6, delete line 24 and insert in lieu thereof the words: "SECTION 26. EMERGENCY. The line items entitled "Salaries and wages" and "Salary contingency" in subdivision 5 of section 1 and sections 6 through 10, sections 14 through 20, and sections 22 and 23"

On page 6, line 25, delete the word and numeral "section 2"

On page 6, line 26, delete the words "shall be in full force and" and insert in lieu thereof the words "is in"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Governor's Office

The salaries and wages line item is reduced by \$23,245 from the general fund to allow no funds for salary increases the

first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Sufficient funds are included to provide for an annual salary of \$60,862 for the governor.

Lieutenant Governor

The salaries and wages line item is increased by \$5,543 from the general fund. The adjustment allows no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The adjustment to salaries and wages includes an annual salary of \$12,500 for one elected official.

A new salary contingency line item in the amount of \$2,600 is added to pay the additional salary amount for the Lieutenant Governor for the last six months of the 1981-83 biennium.

Secretary of State

The salaries and wages line item is reduced by \$101,830 from the general fund. Of the total, \$39,680 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net reduction to salaries and wages also includes a \$66,860 decrease to delete funds for a state construction superintendent, a \$33,951 increase to provide funds for 1.5 FTE clerk-typists, a \$43,891 decrease to delete funds for an attorney I position, a \$13,264 increase to provide funds for an annual salary of \$43,380 for one elected official, and a \$1,386 increase for other payroll changes. Authorization for the attorney I position will remain, however, the funds are provided for in an election law administration line item.

The operating expenses are reduced by \$27,468 from the general fund. The reduction includes an \$8,800 decrease to delete operating expenses related to the state construction superintendent and an \$18,668 decrease to delete funds for administration of the election laws. However, the funds for administration of election laws are provided for in the \$50,000 election law administration line item and the \$10,000 petition review line item.

The general fund appropriation is increased by \$10,000 in a petition review line item and \$50,000 in an election law administration line item to provide funds for an attorney I

position and the related expenses for petition review and election law administration.

The general fund appropriation is increased by \$150,348 in a data processing line item to provide funds to computerize the documents filed under the Uniform Commercial Code and the records in the corporations program.

Records Management/Central Microfilm

The salaries and wages line item is reduced by \$7,752 from the general fund. The reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

A new section is added to the bill authorizing the transfer of the state's records management function to the Office of Management and Budget.

Attorney General

The salaries and wages line item is reduced by \$207,123 from the general fund. Of the total, \$220,962 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net reduction to salaries and wages includes a \$13,839 increase to provide funds for an annual salary of \$49,206 for the Attorney General. The amendment includes a gaming enforcement division line item of \$200,000 from the general fund to be used at the discretion of the Attorney General for gaming enforcement.

State Auditor

The salaries and wages line item is reduced by \$106,389 from the general fund. Of the total, \$132,872 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Other changes to salaries and wages include an increase of \$10,334 to provide an annual salary of \$43,380 for the State Auditor and an increase of \$16,149 to provide promotional increases for four employees not reflected in the executive budget.

State Treasurer

The salaries and wages line item is reduced by \$11,293 from the general fund. Of the total, \$24,557 is a reduction

that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net decrease to salaries and wages also includes a \$13,264 increase to provide for an annual salary of \$43,380 for one elected official.

State Tax Commissioner

The salaries and wages line item is reduced by \$267,983 from the general fund. Of the total, \$287,543 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Salaries and wages are increased by \$19,560 to allow the reclassification of fourteen tax auditor positions.

The adjustment to salaries and wages includes funds to provide an annual salary of \$43,380 for one elected official.

Insurance Commissioner

The salaries and wages line item is increased by \$55,718 from other funds. Of the total, \$45,587 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net increase to salaries and wages includes a \$13,264 increase to provide for an annual salary of \$43,380 for one elected official, a \$66,000 increase for an examiner, a \$20,000 increase for temporary help, and a \$2,041 increase for other payroll changes. The source of funding for the Insurance Commissioner has been changed from the general fund to the bonding fund since the accumulated earnings of the bonding fund are sufficient to fund the Insurance Commissioner's office.

Labor Commissioner

The salaries and wages line item is reduced by \$4,421 from the general fund. Of the total, \$17,091 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The salaries and wages line item is increased by \$12,670 to provide for the payment of an annual salary of \$43,380 to the Labor Commissioner in this budget.

Public Service Commission

The salaries and wages line item is reduced by \$118,455 of which \$75,282 is from the general fund and \$43,173 is from other funds. This reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The adjustment to salaries and wages includes funds to provide annual salaries of \$43,380 for three elected officials, to provide for the reclassification of the secretary to the commission as a position which is now exempt from the classification system, and to correct the executive recommendation which does not include retirement benefits for the three elected officials.

This amendment also adds four new sections; one appropriates \$500,000 for coal reclamation research grants from the coal development impact fund for the biennium, one adds three new sections to chapter 38-14.1 to set up a reclamation research advisory committee and the reclamation research criteria to be met in order for a research project to receive approval for funding by the reclamation research advisory committee.

Agriculture Commissioner

The salaries and wages line item for the Agriculture Commissioner is reduced by \$72,115, of which \$65,660 is from the general fund and \$6,455 is from other funds. Of the total, \$83,263 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net decrease to salaries and wages also includes a \$13,304 increase to provide for an annual salary of \$43,380 for one elected official and a decrease of \$2,156 for other payroll adjustments. \$100,000 is added for expanded marketing division activities.

SEN. LIPS, Chairman

SB 2001 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2002 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, delete the numerals "4,119,147" and insert in lieu thereof the numerals "3,893,569"

On page 1, after line 23, insert the following new line:

"Grants - adult education 250,000"

On page 1, line 25, delete the numerals "432,919,067" and insert in lieu thereof the numerals "431,943,489"

On page 1, line 26, delete the numerals "185,895,629" and insert in lieu thereof the numerals "169,913,282"

On page 1, line 27, delete the numerals "246,023,438" and insert in lieu thereof the numerals "262,030,207"

On page 2, line 9, delete the numerals "101,877,000" and insert in lieu thereof the numerals "86,030,000"

On page 2, line 15, delete the numerals "101,877,000" and insert in lieu thereof the numerals "86,030,000"

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

"SECTION 4. INTENT. It is the intent of the legislative assembly that the appropriation of \$250,000 from the general fund for grants - adult education in section 1 of this Act be used for the purpose of aiding and promoting any adult basic and secondary education program established by the school board of any public school district."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Department of Public Instruction is reduced by \$225,578, of which \$90,231 is from the general fund and \$135,347 is from other funds. The reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The adjustment to salaries and wages includes funds to provide an annual salary of \$44,028 for one elected official.

A new line item called "Grants - adult education" is added in the amount of \$250,000, to be funded by the general fund. A new section provides that the \$250,000 is to be used for the purpose of aiding and promoting adult basic and secondary education programs at the school district level.

In addition to the other changes, the estimated income line item is decreased by \$15,847,000 and the general fund appropriation is increased by \$15,847,000 to reflect

revised estimates of oil extraction tax collections for the 1983-85 biennium.

SEN. LIPS, Chairman

SB 2002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2005 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2006 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, delete the numerals "2,992,234" and insert in lieu thereof the numerals "2,828,626"

On page 1, line 17, delete the numerals "2,850,626" and insert in lieu thereof the numerals "2,806,466"

On page 1, line 21, delete the numerals "7,125,740" and insert in lieu thereof the numerals "6,917,972"

On page 2, line 1, delete the numerals "10,478,656" and insert in lieu thereof the numerals "10,270,888"

On page 2, line 3, delete the numerals "12,995,968" and insert in lieu thereof the numerals "12,788,200"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Director of Institutions

The salaries and wages line item is reduced by \$163,608 from the general fund. The reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The operating expenses line item for the Director of Institutions is reduced by \$44,160 from the general fund to delete funds for lease rental of office space for the Economic Development Commission. The commission plans to move from its present location which is not on the Capitol grounds to the Liberty Memorial Building on July 1, 1983,

thus no rental funds will be necessary for the 1983-85 biennium.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2016 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the numerals "17,168" and insert in lieu thereof the numerals "15,121"

On page 1, line 14, remove the underscore

On page 1, after line 14, insert the following new line:

"Grants 300,000"

On page 1, line 15, delete the numerals "42,456" and insert in lieu thereof the numerals "340,409"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$2,047 from the general fund. Of the total, \$920 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The \$2,047 reduction also includes a \$1,127 reduction for payroll adjustment.

A new grants line item of \$300,000 from the general fund is added to provide for grants to Prairie Public Television.

SEN. LIPS, Chairman

SB 2016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2019 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "to provide" and insert in lieu thereof the word "providing"

On page 1, line 3, delete the words "and making a standing" and insert in lieu thereof the words "making an"

- On page 1, line 18, after the word "budget" insert the words "upon approval of the emergency commission"
- On page 1, line 20, delete the word "Such" and insert in lieu thereof the words "Any issue of such", and after the words "bonds" insert the words "must be approved by the emergency commission and"
- On page 1, line 22, after the period insert the following:
 "The terms of any specific issue of such certificates, notes, or bonds may not exceed one hundred eighty days from the date of issuance whereupon the principal and interest on the certificates, notes, or bonds shall be paid in full from the state general fund or from another issue of a similar nature. All principal and interest on such issues made during a biennial period shall be repaid in full at the close of the biennial period from the state general fund."
- On page 2, delete lines 1 through 4 and insert in lieu thereof the following new section:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,087,500, or so much thereof as may be necessary, to the office of management and budget for the purpose of defraying the expenses associated with cash flow financing, including interest and miscellaneous expenses, for the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines accordingly

SEN. LIPS, Chairman

SB 2019 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2023 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 14, delete the numerals "865,052" and insert in lieu thereof the numerals "823,214"
- On page 1, line 22, delete the numerals "486,000" and insert in lieu thereof the numerals "980,000"
- On page 1, line 23, delete the numerals "1,611,343" and insert in lieu thereof the numerals "1,980,343"

- On page 1, line 24, delete the numerals "6,991,403" and insert in lieu thereof the numerals "7,812,565"
- On page 1, line 25, delete the numerals "4,827,135" and insert in lieu thereof the numerals "5,690,135"
- On page 1, line 26, delete the numerals "2,164,268" and insert in lieu thereof the numerals "2,122,430"
- On page 2, line 17, delete the numerals "356,000" and insert in lieu thereof the numerals "850,000", and delete the word "necessary" and insert in lieu thereof the words "available from all accrued interest of the national guard tuition trust fund"
- On page 2, line 22, after the word "Code" insert the words "and for a work-study program as provided by national guard regulations"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Adjutant General is reduced by \$41,838 from the general fund. This reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The tuition fees line item is increased by \$494,000 to reflect additional available interest income of the National Guard tuition trust fund. Interest from the fund is to be used for tuition programs and a work-study program as provided by National Guard regulations.

The Air Guard contract line item is increased by \$369,000 to reflect additional available federal funds. These funds are to be mainly used to support eight full-time firefighters at Hector Field in Fargo, for which the state is fully reimbursed with federal funds.

SEN. LIPS, Chairman

SB 2023 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2024 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 15, delete the numerals "971,176" and insert in lieu thereof the numerals "915,008"

On page 1, line 19, delete the numerals "1,462,372" and insert in lieu thereof the numerals "1,406,204"

On page 1, line 20, delete the numerals "1,103,730" and insert in lieu thereof the numerals "1,063,639"

On page 1, line 21, delete the numerals "358,642" and insert in lieu thereof the numerals "342,565"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of Disaster Emergency Services is reduced by \$56,168, of which \$16,077 is from the general fund and \$40,091 is from other funds. This reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2026 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2031 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "Dakota" and before the period insert the following: "; and providing for a transfer from the resources trust fund"

On page 1, line 13, delete the numerals "4,036,807" and insert in lieu thereof the numerals "3,797,969"

On page 1, line 17, delete the numerals "2,110,000" and insert in lieu thereof the numerals "2,316,000"

On page 1, line 18, delete the numerals "7,413,527" and insert in lieu thereof the numerals "7,380,689"

On page 1, line 19, delete the numerals "411,900" and insert in lieu thereof the numerals "911,900"

On page 1, line 20, delete the numerals "7,001,627" and insert in lieu thereof the numerals "6,468,789"

On page 1, after line 20, insert the following new sections:

SECTION 2. APPROPRIATION - TRANSFER. The amount appropriated in section 1 of this Act to the state water commission for the line item entitled "Contracts" includes \$500,000 which, after payment of other resources trust fund obligations created by the forty-eighth legislative assembly, shall be transferred to the state water commission operating fund from the resources trust fund created by subsection 2 of section 57-51.1-07 of the 1981 Supplement to the North Dakota Century Code.

SECTION 3. LEGISLATIVE INTENT FOR CONTRACT FUND. It is the intent of the legislative assembly that the state water commission shall give water retention projects in the Red River watershed high priority in the allocation of funds from the contract fund, in accordance with the policies of the state water commission.

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

SB 2031 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2038 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, delete the numerals "2,990,496" and insert in lieu thereof the numerals "2,856,908"

On page 1, line 19, delete the numerals "71,700" and insert in lieu thereof the numerals "43,700"

On page 1, line 20, delete the numerals "160,000" and insert in lieu thereof the numerals "166,464"

On page 1, line 21, delete the numerals "4,020,482" and insert in lieu thereof the numerals "3,865,358"

On page 1, line 23, delete the numerals "4,000,482" and insert in lieu thereof the numerals "3,845,358"

On page 1, line 26, delete the numerals "9,298,023" and insert in lieu thereof the numerals "8,741,844"

On page 1, line 27, delete the numerals "3,698,519" and insert in lieu thereof the numerals "3,648,519"

On page 2, line 1, delete the numerals "252,515" and insert in lieu thereof the numerals "228,915"

On page 2, line 2, delete the numerals "486,000" and insert in lieu thereof the numerals "505,634"

On page 2, line 3, delete the numerals "13,755,057" and insert in lieu thereof the numerals "13,144,912"

On page 2, line 6, delete the numerals "129,911" and insert in lieu thereof the numerals "122,782"

On page 2, line 9, delete the numerals "236,161" and insert in lieu thereof the numerals "229,032"

On page 2, line 10, delete the numerals "130,580" and insert in lieu thereof the numerals "127,015"

On page 2, line 11, delete the numerals "105,581" and insert thereof the numerals "102,017"

On page 2, line 12, delete the numerals "17,861,120" and insert in lieu thereof the numerals "17,092,287"

On page 2, line 13, delete the numerals "150,580" and insert in lieu thereof the numerals "147,015"

On page 2, line 14, delete the numerals "18,011,700" and insert in lieu thereof the numerals "17,239,302"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Supreme Court

The salaries and wages line item is reduced by \$133,588 from the general fund. Of the net total, \$170,194 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Other changes to salaries and wages are an increase of \$36,606 to provide two additional staff attorneys rather than three new law clerks, and to reclassify two current law clerk positions to two staff attorney positions.

The equipment line item is reduced by \$28,000 from the general fund to delay the purchase of a minicomputer word processor.

The judges retirement line item is increased by \$6,464 from the general fund to provide sufficient funds for the retirement benefits of judges.

District Courts

The salaries and wages line item is reduced by \$556,179 from the general fund. Of the total, \$525,356 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Other changes to salaries and wages are a decrease of \$30,823 to delete funds for a juvenile court secretarial position.

The operating expenses line item is decreased by \$50,000 from the general fund to reflect a greater use of six-person juries in civil cases as provided for in Senate Bill No. 2303.

The equipment line item is decreased by \$23,600 to delay the purchase of a minicomputer and to delete funds for courtroom sound equipment.

The judges retirement line item is increased by \$19,634 from the general fund to provide sufficient funds for the retirement benefits of judges.

Judicial Qualifications Commission

The salaries and wages line item is reduced by \$7,129, of which \$3,564 is from the general fund and \$3,565 is from other funds. This reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

SEN. LIPS, Chairman

SB 2038 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2039 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "225,884" and insert in lieu thereof the numerals "214,196"

On page 1, line 18, delete the numerals "24,874,395" and insert in lieu thereof the numerals "19,874,395"

On page 1, line 19, delete the numerals "25,159,309" and insert in lieu thereof the numerals "20,147,621"

On page 1, line 20, delete the numerals "15,016,852" and insert in lieu thereof the numerals "15,011,008"

On page 1, line 21, delete the numerals "10,142,457" and insert in lieu thereof the numerals "5,136,613"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Energy Development Impact Office is reduced by \$11,688, of which \$5,844 is from the general fund and \$5,844 is from other funds. This will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The grants, benefits, and claims line item is decreased by \$5 million. This consists of a reduction of \$5 million from the general fund to provide a total of \$5 million in oil development impact grants.

SEN. LIPS, Chairman

SB 2039 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2046 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

SB 2046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2047 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 3, line 30, delete the words "at least fifty-five percent of", and after the word "the" insert the word "districts"

On page 3, line 31, after the word "electors" and before the comma insert the words "by the respective margins"

of electorate approval as provided for in section 57-15-14"

On page 8, line 28, delete the numerals "13" and insert in lieu thereof the numeral "12"

On page 10, line 15, delete the word "A" and insert in lieu thereof the words "Subject to the provisions of subsection 2, a," and delete the comma after the word "amount"

On page 10, delete line 16

On page 10, line 17, delete the word "law,"

On page 11, line 9, after the period insert the following:

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

3."

On page 11, line 19, delete the words "fifty-five percent of", and after the word "question" and before the comma insert the words "by the respective margins of electorate approval as provided for in section 57-15-14"

On page 12, line 15, delete the words "by fifty-five percent of"

On page 12, line 16, delete the words "the votes cast"

On page 12, line 17, after the numerals "40-55-08" and before the comma insert the words ", by the respective margins of electorate approval as provided for in section 57-15-14"

On page 12, line 22, delete the words "fifty-five percent of the electors" and insert in lieu thereof the words "the district electorate"

On page 12, line 23, delete the word "decide" and insert in lieu thereof the word "decides"

On page 12, line 24, after the word "levy" and before the period insert the words "by the respective margins of electorate approval as provided for in section 57-15-14"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2062 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 22, after the first comma insert the word "and", and delete the words ", and the board of higher education and"

On page 1 of the engrossed bill, line 23, delete the words "institutions under its jurisdiction"

And renumber the lines accordingly

SEN. LIPS, Chairman

SB 2062 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2073 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, delete the word "section" and insert in lieu thereof the word "sections", and delete the word "sections"

On page 1, delete lines 5 and 6

On page 2, delete lines 32 through 35

On page 3, delete lines 1 through 35

On page 4, delete lines 1 through 33

On page 5, delete lines 1 through 34

On page 6, delete lines 1 through 35

On page 7, delete lines 1 through 12

On page 7, line 30, after the word "residual" insert the words "or other"

On page 8, line 1, after the word "residual" insert the words "or other", and delete the words "remaining in" and insert in lieu thereof the word "of"

- On page 8, line 14, after the word "residual" insert the words "or other"
- On page 9, line 1, after the word "residual" insert the words "or other"
- On page 9, line 7, after the word "residual" insert the words "or other", and delete the words "remaining in" and insert in lieu thereof the word "of"
- On page 9, line 20, after the word "residual" insert the words "or other"
- On page 10, line 5, after the word "residual" insert the words "or other"
- On page 10, line 9, after the word "residual" insert the words "or other"
- On page 11, line 9, after the word "residual" insert the words "or other"
- On page 11, line 13, after the word "residual" insert the words "or other"
- On page 12, line 3, after the word "residual" insert the words "or other"
- On page 12, line 15, after the word "residual" insert the words "or other"
- On page 12, line 16, delete the words "remaining in" and insert in lieu thereof the word "of"
- On page 12, line 29, after the word "residual" insert the words "or other"
- On page 13, line 6, after the word "residual" insert the words "or other"
- On page 13, line 7, delete the words "remaining in" and insert in lieu thereof the word "of"
- On page 13, line 31, after the word "residual" insert the words "or other", and delete the words "remaining in" and insert in lieu thereof the word "of"
- On page 14, line 14, after the word "residual" insert the words "or other", and delete the words "remaining in" and insert in lieu thereof the word "of"
- On page 15, line 8, delete the word "January" and insert in lieu thereof the word "July", and delete the numerals "1985" and insert in lieu thereof the numerals "1984"

And renumber the lines, sections, and pages accordingly

SEN. LIPS, Chairman

SB 2073 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2144 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2178 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2178 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2197 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, line 20, delete the words "forty dollars per" and insert in lieu thereof the words ":

- (1) If the vehicle was manufactured less than ten years before the registration period, forty-five dollars.
- (2) If the vehicle was manufactured at least ten years but less than twenty-five years before the registration period, thirty dollars.
- (3) If the vehicle was manufactured at least twenty-five years before the registration period, twenty dollars"

On page 2, line 21, delete the word "unit"

And renumber the lines accordingly

SEN. MUTCH, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2227 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the semicolon insert the words "to provide a continuing appropriation;"

On page 1, line 8, after the word "authorized" and before the period insert the words "- Continuing appropriation", and overstrike the words "Upon application by"

On page 1, line 9, overstrike the first word "the" and insert immediately thereafter the word "The"

On page 1, line 10, after the word "budget" and before the comma insert the word "may", and overstrike the word "the" and immediately thereafter insert the words "when the balance in the state general fund is insufficient to meet legislative appropriations, execute and issue on behalf of the state, evidences of indebtedness on the state general fund which at no time exceed the total principal amount of ten million dollars with principal maturity of not more than twelve months. As a condition precedent to the issuance and sale of the evidences of indebtedness, the state treasurer must request and obtain a statement from the state tax commissioner certifying that anticipated general fund revenues for the balance of the fiscal year in which the evidences of indebtedness are to be issued will exceed the principal amount and interest on the evidences of indebtedness to be issued. The"

On page 1, line 11, after the word "may" insert the words "in turn", and overstrike the word "in"

On page 1, line 12, overstrike the words "amounts at no time exceeding the total sum of", delete the word "ten", and overstrike the word "million"

On page 1, overstrike line 13

On page 1, line 14, overstrike the words "nine months in duration," and insert immediately thereafter the words "to the state general fund by the purchase of the evidences of indebtedness"

On page 1, line 15, overstrike the words ", for the purpose of making money available"

On page 1, overstrike lines 16 and 17

On page 1, line 18, overstrike the words "withdrawals or expenditures occur", and after the period insert the following: "After evidences of indebtedness have been issued and sold pursuant to this section, the state treasurer shall establish a fund for the repayment of the principal upon maturity and the interest when due. The state treasurer shall place all available general fund revenues into this fund until the fund contains a sufficient balance for the repayment of the principal at maturity and interest when due, which moneys are hereby appropriated for this purpose."

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

SB 2227 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2238 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2238 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was rereferred Engrossed SB 2239 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 16, delete the second word "or"

On page 2 of the engrossed bill, line 18, after the word "operations" insert the following: "; or (5) for the production of agricultural commodities by the members of an organized religious society or association actually engaged in farming or ranching on land owned or leased by such organized religious society or association prior to January 1, 1983"

On page 5 of the engrossed bill, line 3, delete the word "ten" and insert in lieu thereof the word "twenty"

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

Engrossed SB 2239 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2249 has had the same under consideration and recommends that

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

- On page 1, line 2, after the third comma insert the words "subsection 2 of section 12.1-20-01, sections"
- On page 1, line 12, delete the word "sexual" and insert in lieu thereof the words "the crime of gross sexual imposition"
- On page 1, line 13, delete the word "offenses"
- On page 4, after line 30, insert the following new section:

"SECTION 5. AMENDMENT. Subsection 2 of section 12.1-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 2. In sections ~~12.1-20-03~~ 12.1-20-04 through 12.1-20-09, an offense excludes conduct with an actor's spouse. The exclusion shall be inoperative as respects spouses living apart under a decree of judicial separation, a temporary or permanent adult abuse protection order, or an interim order issued in connection with a divorce or separation action. Where an offense excludes conduct with a spouse, this shall not preclude conviction of a spouse as an accomplice in an offense which he causes another person to perform."

- On page 6, line 26, immediately after the period, insert the words "A cause of action brought before July 1, 1983, under this section, is valid until final judgment is rendered."
- On page 10, line 19, after the word "by" insert the words "his or", and remove the overstrike over the word "~~her~~"
- On page 10, line 20, delete the word "~~their~~"
- On page 12, line 6, remove the overstrike over the word "~~his~~"
- On page 12, line 7, delete the word "~~their~~" and insert in lieu thereof the words "or her", after the word "abandon" insert the words "him or", remove the overstrike over the word "~~her~~", and delete the word "~~them~~"
- On page 12, line 10, after the second word "and" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "~~their~~"
- On page 13, line 25, after the word "against" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "~~their~~"
- On page 14, line 1, remove the overstrike over the word "~~his~~", and delete the word "~~their~~" and insert in lieu thereof the words "or her"

- On page 14, line 4, remove the overstrike over the word "~~his~~", and delete the word "their" and insert in lieu thereof the words "or her"
- On page 14, line 9, remove the overstrike over the word "~~his~~", and delete the word "their" and insert in lieu thereof the words "or her"
- On page 15, line 24, after the word "of" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "their"
- On page 26, line 2, remove the overstrike over the word "~~Ne~~" and immediately after the overstruck word "~~female~~" insert the word "person"
- On page 26, line 3, remove the overstrike over the words "~~under sixteen years of age shall be employed in any capacity if such~~"
- On page 26, line 4, remove the overstrike over the words "~~employment compels~~" and immediately after the overstruck word "~~her~~" insert the words "the person" and remove the overstrike over the words "~~to remain standing constantly~~"
- On page 30, line 13, overstrike the word "title"
- On page 30, line 23, after the word "~~marriage~~" insert the word "chapter"
- On page 30, line 30, overstrike the word "title" and insert immediately thereafter the word "chapter"

And renumber the lines, sections, and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2249 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2269 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2269 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2276 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "subsections 2 and 3 of"

On page 1, line 7, delete the words "subsections 2 and 3 of section" and insert in lieu thereof the word "Section"

On page 1, line 8, delete the word "are" and insert in lieu thereof the word "is"

On page 1, after line 9, insert the following:

"15-40.1-06. Declaration of legislative intent - Educational support per pupil - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly to support elementary and secondary education in this state from state and ~~county~~ funds in the amount of one thousand four hundred dollars per pupil, including estimated state tuition funds apportioned pursuant to section 15-44-03 and funds distributed pursuant to this chapter based on the educational cost per pupil. In determining the educational cost per pupil, the following criteria shall not be used:

- a. Expenditures for capital outlay for buildings and sites, or debt service.
- b. Expenditures from school activities and school lunch programs.
- c. Expenditures for the cost of transportation, including the cost of schoolbuses."

On page 1, line 12, overstrike the word "four" and insert immediately thereafter the word "two", and after the words "~~twenty-five~~" insert the word "sixty"

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2309 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the word "bonds" and insert in lieu thereof the word "funds"

On page 1, line 9, after the word "vehicles" insert the words "licensed for operation or operated upon the highways"

On page 1, line 14, after the comma insert the following words "except refunds on motor fuels used by aircraft,"

On page 1, delete line 22

On page 1, line 23, delete the words "under this Act from each county during the preceding quarter" and insert in lieu thereof the words "the mileage of township roads in each county compared to the mileage of all township roads in the state"

On page 2, line 1, after the period insert the following sentence: "These funds are to be used for the construction or maintenance of township roads and bridges and may not be used to purchase road building or road maintenance equipment."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2312 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2312 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2313 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, delete everything after the words "A BILL for an Act" and insert in lieu thereof the following: "to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the definition of a farmer and the exemption of a farm residence from taxation.

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

SECTION 1. AMENDMENT. Subsection 15 of section 57-02-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15. a. All farm structures, and improvements located on agricultural lands. This

subsection shall be construed to exempt farm buildings and improvements only, and shall not be construed to exempt from taxation industrial plants, or structures of any kind not used or intended for use as a part of a farm plant, or as a farm residence. Any structure or structures used in connection with a retail or wholesale business other than farming, even though situated on agricultural land, shall not be exempt under this subsection.

- b. It is the intent of the legislative assembly that this exemption as applied to a residence shall be strictly construed and interpreted to exempt only a residence which is situated on a farm and which is occupied or used by a person who is a farmer and that the exemption shall not be applied to property which is occupied or used by a person who is not a farmer. For purposes of this subdivision:

(1) "Farm" means a single tract or contiguous tracts of agricultural land containing a minimum of ten acres [4.05 hectares] and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, with not less than fifty percent of his annual net income.

(2) "Farmer" means an individual who normally devotes the major portion of his time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' unmanufactured state and who normally receives not less than fifty percent of his annual net income from any one or more of the foregoing activities; and the term also includes an individual who is retired because of illness or age and who at the time of retirement owned and occupied as a farmer as

defined above the residence in which he lives and for which the exemption is claimed.

- (3) "Net income from farming activities" described in paragraph 2 means taxable income from those activities as computed for income tax purposes pursuant to chapter 57-38 adjusted to include the following:
 - (a) The difference between gross sales price less expenses of sale and the amount reported for sales of agricultural products for which the farmer reported a capital gain.
 - (b) Interest expenses from farming activities which have been deducted in computing taxable income.
- (4) For purposes of applying the income requirements of this subdivision, if a husband and wife reside together in a residence claimed as exempt under this subdivision because both or one of them is a farmer, not less than fifty percent of their combined net income from all sources must be net income from farming activities as defined in paragraph 3 in order for the residence to qualify for the exemption.
- (5) When exemption is claimed under this subdivision for a residence, the assessor may require that the occupant of the residence who it is claimed is a farmer provide to the assessor for the year or years specified by the assessor a written statement in which it is stated that fifty percent or more of the net income of that occupant was, or was not, net income from farming activities; provided, that if that occupant is married and they both occupy the residence, it shall be stated in the written statement that their net income

from farming activities was, or was not, fifty percent or more of their combined net income from all sources.

(6) Notwithstanding any of the provisions of this subsection or any other provision of law, a residence situated on agricultural land is not exempt for the year if it is occupied by an individual engaged in farming or retired from farming who had nonfarm income, including that of a spouse if married, of more than ten thousand dollars during the preceding calendar year."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

SB 2313 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2314 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 11, after the overstruck word "~~five~~" delete the word "three" and insert in lieu thereof the word "four"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2314 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2317 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, after the word "hundred" delete the word "twenty-five" and insert in lieu thereof the word "forty"

On page 1, line 11, after the word "quarter" insert the words "after the first two quarters"

On page 1, line 21, delete the word "thirty" and insert in lie thereof the word "fifteen"

On page 1, line 22, after the word "quarter" insert the words "after the first two quarters"

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

SB 2317 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2321 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the word "protection" insert the words "and responsibility"

On page 1, line 11, remove the overstrike from the words "~~other than a person buying farm products~~"

On page 1, line 12, remove the overstrike from the words "~~from a person engaged in farming operations~~"

On page 2, line 3, delete the words "A commission merchant who sells livestock or agricultural" and insert in lieu thereof the following:

"Before a commission merchant who sells livestock or agricultural products for another for a fee or commission, or who purchases livestock or agricultural products, issues a check to the owner in payment for such livestock or agricultural products, the merchant must require the seller to execute a certificate of ownership on a form as prescribed by the commissioner of agriculture disclosing therein the name of the parties to whom security interests have been given against such livestock or agricultural products of representing that no such security interests exist. The merchant is required to enter the names of the lienholders disclosed in the certificate or otherwise known to the merchant as payees with the seller. Such certificate shall include a warning to the seller that an untrue statement as to the identification of security interest holders shall constitute a class C felony if the value of the property exceeds five hundred dollars, or a class A misdemeanor if the property does not exceed five hundred dollars in value.

5. A lender who relies upon a security interest upon livestock or agricultural products shall disclose to the borrower at the time the loan is made that the law requires the borrower to disclose to the purchasers or merchants of the encumbered property the names of the security interest holders, and that the purchasers or commission merchants are required to enter the name of such security interest holders on the check issued in payment for such livestock or agricultural products, and that failure to make such disclosure will constitute a crime.

6. A lender shall make a good faith effort against the borrower of funds where livestock or agricultural products are used as collateral for collection of any loss sustained by the lender through such transaction, before the lender pursues collection from the merchant."

On page 2, delete lines 4 through 9

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

SB 2321 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2344 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and delete the second word "and"

On page 1, line 2, delete the numerals "61-21-67"

On page 1, line 10, after the word "experiencing" insert the words "flooding or adverse effects"

On page 1, line 10, delete the word "damage"

On page 1, line 11, delete the word "drainage" and insert in lieu thereof the following words: "drain constructed before July 1, 1975,"

On page 1, line 12, after the period insert the following words: "Any person may file a complaint about an unauthorized drain constructed after July 1, 1975."

On page 2, delete lines 19 through 35

On page 3, delete lines 1 through 23

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2344 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2346 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, delete the words ", and dividing the result by one"

On page 1, line 21, delete the word "hundred"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2346 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2354 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 11, delete the word "fifty-four" and insert in lieu thereof the word "fifty-three"

On page 1, line 12, delete the word "seventy-eight"

On page 1, line 14, delete the words "fifty-seven thousand one hundred seventy-eight" and insert in lieu thereof the words "fifty-five thousand five hundred eighteen"

On page 1, line 22, delete the word "fifty-one" and insert in lieu thereof the word "fifty"

On page 1, line 23, delete the word "twelve"

On page 1, line 24, delete the words "fifty-three thousand six hundred" and insert in lieu thereof the words "fifty-two thousand one hundred eighteen"

On page 1, line 25, delete the word "seventy-seven"

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2355 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 8, delete the numerals "450,000" and insert in lieu thereof the numerals "250,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for school districts participating in multi-district vocational centers is reduced by \$200,000.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2366 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2366 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2373 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 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 two new subsections to section 39-01-01, a new subsection to section 39-06-31, a new subsection to section 39-06.1-10, a new section to chapter 39-08, and two new sections to chapter 39-20 of the North Dakota Century Code, relating to penalty and punishment for operating a motor vehicle while under the influence of intoxicating liquor or controlled substances and to law enforcement procedures; to amend and reenact section 27-20-51, subsection 5 of section 27-20-54, subsection 5 of section 39-06-17, subsection 2 of section 39-06-23, section 39-06-33.1, subsections 1 and 2 of section 39-06-35, sections 39-06-36, 39-06-42, 39-06-43, subsection 1 of section 39-06.1-05, section 39-06.1-07, subdivision b of subsection 3 and subsection 4 of section 39-06.1-10, sections 39-06.1-11, 39-07-07, 39-07-10, 39-07-11,

39-08-01, 39-20-01, 39-20-04, 39-20-05, 39-20-06, 39-20-07, 39-20-09, 40-05-06, 40-18-12, and 40-18-13 of the North Dakota Century Code, relating to reporting juvenile offenses, penalty and punishment for operating a motor vehicle while under the influence or for driving in violation of license suspension, revocation, or restriction, testing for blood alcohol concentration, interpretation of tests, issuing of notification forms to arrested drivers, and law enforcement, judicial, and administrative procedures; and to repeal section 39-06-29.1 of the North Dakota Century Code, relating to the authority to suspend operator's licenses of juveniles.

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

SECTION 1. AMENDMENT. Section 27-20-51 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-20-51. Inspection of court files and records. All

1. Except as provided in subsection 2, all
files and records of the court in a
proceeding under this chapter ~~shall~~ may not
be disclosed to the public and are open to
inspection only by:
 - 1- a. The judge, officers, and professional
staff of the court.
 - 2- b. The parties to the proceeding and their
counsel and representatives.
 - 3- c. A public or private agency or
institution providing supervision or
having custody of the child under order
of the court, which shall be given a
copy of the findings and order of
disposition when it receives custody of
the child.
 - 4- d. A court and its probation and other
officials or professional staff and the
attorney for the defendant for use in
preparing a presentence report in a
criminal case in which the defendant is
convicted and who prior thereto had
been a party to the proceeding in
juvenile court.
 - 5- e. With leave of court any other person or
agency or institution having a

legitimate interest in the proceeding or in the work of the court.

- 6- f. Upon leave of the court, the principal of any public or private school which is a member of the North Dakota high school activities association, or the superintendent of any school district which has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.

2. In a proceeding under this chapter, if the court finds that a child committed a delinquent or unruly act which constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the court shall, within ten days, report such finding to the highway commissioner.

SECTION 2. AMENDMENT. Subsection 5 of section 27-20-54 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Upon entry of an order under subsection 2 or 4, the proceeding shall be treated as if it never occurred. All index references, except those which may be made by the state highway commissioner, shall be deleted, and upon inquiry in any matter the child, the court, law enforcement officers, and representatives of agencies, except the state highway commissioner, shall properly reply that no record exists with respect to the child. Copies of the order shall be sent to each agency or official therein named. Each law enforcement agency and law enforcement officer except the state highway commissioner, upon receipt of a copy of the order, shall destroy all files, records, and references to the child pertaining to his apprehension, detention, and referral to the juvenile court and any record of disposition made by the juvenile court.

SECTION 3. Two new subsections to section 39-01-01 of the 1981 Supplement to the North Dakota

Century Code are hereby created and enacted to read as follows:

"Appropriate licensed addiction treatment program" means an addiction treatment program conducted by an addiction facility licensed by the department of human services.

"Manifest injustice" means a specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable man, with due consideration of the totality of circumstances.

SECTION 4. AMENDMENT. Subsection 5 of section 39-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to ~~him~~ that person. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, a violation of this subsection is a class A misdemeanor and punishment is as provided in section 39-06-42 for a class A misdemeanor. Upon receiving notice of a conviction of a class A misdemeanor under this subsection, the commissioner shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The commissioner may not issue a restricted license for the extended period of suspension imposed under this subsection.

SECTION 5. AMENDMENT. Subsection 2 of section 39-06-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. "Revocation" means that the ~~driver's~~ operator's license and privilege to drive a motor vehicle on the public highways a highway or on public or private areas to which the public has a right of access for vehicular use in this state are terminated and shall not be renewed or restored,

~~except that an on application for a new license may be presented to and acted upon by the commissioner after the expiration of the period of revocation, which period shall not must be less than at least thirty days nor but not more than one year, except as provided in sections 39-06-17 and 39-06-43.~~

SECTION 6. A new subsection to section 39-06-31 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any offense classified as a felony which is a violation of section 21 of this Act. The revocation of the license under this subsection must be for one year beyond any time of incarceration or court ordered inpatient addiction treatment.

SECTION 7. AMENDMENT. Section 39-06-33.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-33.1. Authority to suspend or revoke licenses after traffic death or injury - Show cause order required. The commissioner may suspend the license of an operator upon a showing by its records or other sufficient evidence that the licensee has been convicted by a court of competent jurisdiction for violation of the provisions of this title or any other law of this state or municipal ordinance regulating the operation of motor vehicles on highways where it appears from the department records that the violation for which ~~he~~ the licensee was convicted contributed in causing an accident resulting in the death or serious personal injury, requiring professional medical care of another, or serious property damage. ~~Prior to~~ Except as provided in sections 39-06-17 and 39-06-31, before suspending or revoking the license of any person as authorized in this section, the commissioner shall immediately notify the licensee in writing to show cause, within twenty days, why ~~his~~ the license should not be suspended or revoked. Upon the request of a licensee the commissioner shall afford ~~him~~ the licensee an opportunity for a hearing as early as practical within ~~not to exceed~~ twenty days after receipt of such the request in the county wherein the licensee resides unless the department and licensee agree that such hearing may be held in some other county at a time and place designated by the commissioner. Upon such hearing the commissioner or ~~his~~ duly authorized agent hearing officer may administer oaths and, may

issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the commissioner may, for good cause, either suspend or revoke the license of such person the licensee.

SECTION 8. AMENDMENT. Subsections 1 and 2 of section 39-06-35 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. The commissioner ~~shall~~ may not suspend a driver's license or privilege to drive a motor vehicle ~~on the public highways~~ for a period of more than one year, except as permitted or required under ~~section~~ sections 39-06-17, 39-06-43 and section 15 of this Act.
2. At When the end of the period of suspension a license surrendered to the department under section 39-06-37 shall be returned to the licensee imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the commissioner a reinstatement fee of twenty-five dollars. Upon payment of the reinstatement fee the license must be returned to the operator. An operator whose license was taken under section 28 of this Act who is found not guilty of the offense charged is not required to pay the reinstatement fee.

SECTION 9. AMENDMENT. Section 39-06-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-36. Restoration of revoked licenses. Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the commissioner shall not then issue a new license unless and until he is satisfied after investigation of the individual's driving records, driving habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. A

person whose license or privilege to drive a motor vehicle has been revoked must pay to the commissioner a revocation reinstatement fee of twenty-five dollars, in addition to any license renewal fee, for issuance of a new license. An operator whose license was taken under section 28 of this Act who is found not guilty of the offense charged is not required to pay the reinstatement fee.

SECTION 10. AMENDMENT. Section 39-06-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-42. Penalty for driving while license suspended or revoked - Impoundment of vehicle number plates - Authority of cities.

1. Except as provided in chapters 39-16 and 39-16.1, and in section 39-06.1-11, any person who drives a motor vehicle on any public highway of this state at a time when his or on public or private areas to which the public has a right of access for vehicular use in this state while that person's license or privilege so to do is suspended or revoked shall be is guilty of a class B misdemeanor if the suspension or revocation was not imposed for violation of section 39-08-01 or equivalent ordinance or was not governed by chapter 39-20.
2. Except as provided in chapters 39-16 and 39-16.1 and section 39-06.1-11, any person who drives a motor vehicle on a highway of this state or on public or private areas to which the public has a right of access for vehicular use in this state when that person's license or privilege so to do is suspended or revoked is guilty of a class A misdemeanor if the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by chapter 39-20. The sentence must be at least five days' imprisonment in jail and a fine of at least three hundred dollars. The sentence and the imposition of sentence may not be suspended under chapter 12-53. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.

3. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation; as the case may be, of the offender's driving license or privilege. When a period of suspension or revocation has been extended under subsection 5 of section 39-06-17, the court shall order the number plates to be impounded in accordance with this subsection. The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the registrar of motor vehicles.

2- 4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor vehicle number plates in the manner provided in subsection 1 of this section 3. If impoundment of the motor vehicle number plates would have been required in a proceeding under subsection 3, the municipal judge shall order the impoundment in accordance with subsection 3.

SECTION 11. AMENDMENT. Section 39-06-43 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06-43. Extension of license suspension or revocation. The commissioner upon receiving a record of the conviction of any person upon a charge of driving a vehicle while the license or driving privileges of the person was suspended shall extend the period of that suspension for an additional like period and if the original suspension was for an indefinite or unstated period of time, the additional suspension shall be for a period of six months on and after the date the person would otherwise have been entitled to the return of license or privileges. If, however, the original suspension of driving privileges resulted solely from failure to appear in court or to post and forfeit bond on noncriminal traffic violations, there shall be no additional period of suspension. If the conviction was upon a charge of driving while a license or driving privileges was revoked, the commissioner shall not issue a new license for an additional period of one year from and after the date the person would

otherwise have been entitled to apply for a new license. Upon a conviction of a person for violating a restricted license issued under section 39-06.1-11 and in which the underlying suspension or revocation was imposed for violating section 39-08-01 or equivalent ordinance or is governed by chapter 39-20, the commissioner shall extend the period of the underlying suspension or revocation in accordance with subsection 5 of section 39-06-17.

SECTION 12. AMENDMENT. Subsection 1 of section 39-06.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Driving or being in actual physical control of a vehicle while under the influence of a controlled substance or intoxicating liquor or while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight in violation of section 39-08-01, or an equivalent ordinance.

SECTION 13. AMENDMENT. Section 39-06.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-07. Notification to offenders - Duties of licensing authority. The licensing authority shall prepare a notification form and temporary driver's permit as provided in section 28 of this Act to be appended to the form of the uniform traffic summons and complaint as provided in section 29-05-31. The notification form shall contain language, approved by the attorney general, informing persons charged with traffic violations, other than offenses listed in section 39-06.1-05, of the procedures available to them under sections 39-06.1-02 and 39-06.1-03 and informing persons who refuse a chemical test or on-site screening test under chapter 39-20 or who, on taking a chemical test, are found to be in violation of subdivision e of subsection 1 of section 39-08-01, of the procedures available under chapter 39-20. The notification shall also contain a schedule of points to be charged against a person's driving record or other operator's license penalties as provided by law, and a schedule of statutory fees and bond amounts as determined in accordance with sections 39-06.1-06 and 39-06.1-02.

SECTION 14. AMENDMENT. Subdivision b of subsection 3 and subsection 4 of section 39-06.1-10 of the 1981 Supplement to the North Dakota Century

Code are hereby amended and reenacted to read as follows:

b. Criminal Violations

Conviction of:	Points Assigned:
(1) Reckless driving, in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving, in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of sections 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Driving while under the influence in violation of section 39-08-01, or equivalent ordinance, <u>if the driving record shows that the licensee has not within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance</u>	15 <u>24</u> points
(6) <u>Driving in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance</u>	<u>63 points</u>
(6) (7) Being in actual physical control of a motor vehicle	6 <u>17</u> points

~~while under the influence~~
in violation of section
39-08-01, or equivalent
ordinance, if the
driving record shows
that the licensee
has not within the
five years preceding
the violation previously
violated section 39-08-01,
or equivalent ordinance

(8) Being in actual physical control of a motor vehicle in violation of section 39-08-01, or equivalent ordinance, if the driving record shows that the licensee has within the five years preceding the violation previously violated section 39-08-01, or equivalent ordinance 37 points

{7} (9) Violating restrictions in a restricted license issued ~~pursuant to~~ under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving 3 points

{8} (10) Violating any restrictions other than those listed in paragraph 7 9 of this subdivision, contained in a restricted license issued ~~pursuant to~~ under section 39-06-17 or section 39-06.1-11 4 points

4. If judicial disposition of a traffic violation includes an order or recommendation of suspension or revocation of an operator's license, ~~such the~~ suspension or revocation ~~shall run~~ runs concurrently with any suspension ordered ~~pursuant to~~ under this section. After a conviction of a person for violating section 39-08-01, the commissioner shall, in suspending the person's operator's license, give credit for the time in which license suspension or revocation has been

or is being imposed under chapter 39-20 in connection with the same offense.

SECTION 15. A new subsection to section 39-06.1-10 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

- a. If the commissioner is informed by a court that under section 39-08-01 or section 40-18-12 a person convicted for violating section 39-08-01 or equivalent ordinance has been referred for addiction evaluation to an appropriate licensed addiction treatment program and has been subsequently evaluated as needing addiction treatment, the commissioner shall, within three days of being so informed, send notice to the offender informing the offender of the addiction evaluation and of the provisions of this subsection.
- b. If the offender does not, within thirty days from the date the commissioner mailed the notice, enroll in an appropriate licensed addiction treatment program, with that enrollment verified by the program's addiction counselor or instructor, or, if enrolled, the offender does not complete the treatment program, the commissioner shall, subject to the offender's opportunity for hearing under subsection 1, suspend that person's driving privileges in accordance with subdivisions c and d.
- c. If the driving record shows that:

	<u>The suspension must be at least:</u>
<u>(1) Within the five years preceding the most recent violation of section 39-08-01, or equivalent ordinance, the offender has not previously violated section 39-08-01 or equivalent ordinance</u>	<u>180 days</u>
<u>(2) Within the five years preceding the most recent violation of</u>	<u>1 year</u>

section 39-08-01, or
equivalent ordinance,
the offender has once
previously violated
section 39-08-01
or equivalent ordinance

- (3) Within the five years 2 years
preceding the most
recent violation of
section 39-08-01, or
equivalent ordinance,
the offender has twice
previously violated
section 39-08-01
or equivalent ordinance

d. If within the seven years preceding the
most recent violation of section
39-08-01, or equivalent ordinance, the
offender has previously violated
section 39-08-01 or equivalent
ordinance at least three times, the
commissioner may restore driving
privileges to the offender only after
that person has completed addiction
treatment through an appropriate
licensed addiction treatment program
and has had no alcohol or drug-related
offense for three consecutive years
after completion of treatment.

e. A period of driver's license suspension
imposed on an offender under this
subsection is in addition and
consecutive to any period of license
suspension or revocation imposed under
chapter 39-20 or after a conviction of
violating section 39-08-01 or
equivalent ordinance.

SECTION 16. AMENDMENT. Section 39-06.1-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-06.1-11. Temporary restricted license. When

1. If the licensing authority has suspended a
license, pursuant to under section
39-06.1-10, or when the commissioner has
revoked a license pursuant to section
39-20-04, or when or if the commissioner
has extended a suspension or revocation
pursuant to under section 39-06-43, for a

period in excess of for more than seven days, then unless prohibited under subsection 5 of section 39-06-17, the authority may, for good cause, upon receiving written application from the licensee offender affected, issue a temporary restricted operator's license valid, after seven days of the suspension period have passed, for the remainder of the suspension period. The

2. If the licensing authority has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, the authority may, in accordance with this section, for good cause, and upon written application of the offender, issue a temporary restricted license that takes effect after thirty days of the suspension has been served after a first offense under section 39-08-01, and which takes effect after one hundred eighty days of the suspension has been served after a second offense under section 39-08-01. The licensing authority shall not issue a temporary restricted license to any offender whose operator's license is under suspension upon a third or subsequent offense within the time limitations under section 39-08-01.
3. The commissioner may not issue a restricted license for a period of license revocation or suspension imposed under section 6, 15, or 23 of this Act or subsection 5 of section 39-06-17.
4. A restricted license issued under this section may authorize the use of a motor vehicle only during the licensee's normal working hours, or may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section shall be is deemed a violation of section 39-06-17.

SECTION 17. AMENDMENT. Section 39-07-07 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-07. Halting person for violating traffic regulations - Duty of officer halting. Whenever any person is halted for the violation of any of the provisions of chapters 39-01 through 39-13, 39-18, 39-21, and

39-24, or of equivalent city ordinances, the officer halting ~~such~~ that person, except as otherwise provided in section 39-07-09 and section 28 of this Act, may:

1. Take the name and address of ~~such~~ the person;
2. Take the license number of ~~his~~ the person's motor vehicle; and
3. Issue a summons or otherwise notify ~~him~~ that person in writing to appear at a time and place to be specified in ~~such~~ the summons or notice.

A halting officer employed by any political subdivision of the state may not take a person into custody or require that person to proceed with the officer to any other location for the purpose of posting bond, where the traffic violation was a noncriminal offense under section 39-06.1-02. The officer shall provide the person with an envelope for use ~~by that person to mail~~ in mailing the bond.

SECTION 18. AMENDMENT. Section 39-07-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-10. Officer violating provisions for arrest and notice of hearing to defendant may be removed from office. Any officer violating ~~any of the provisions of sections~~ section 39-07-07, 39-07-08, and 39-07-09, or section 28 of this Act is guilty of misconduct in office and ~~shall be~~ is subject to removal from office.

SECTION 19. AMENDMENT. Section 39-07-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-07-11. Magistrate to keep record of convictions of traffic violations - Records of conviction to be forwarded to licensing authority. Every magistrate in this state, as defined in section 29-01-14, shall keep a full record of every case brought before ~~him~~ the magistrate in which a person is charged with a violation of section 12.1-16-02 or 12.1-16-03, or of any provision of chapters 39-05 through 39-13, and chapters 39-21 and or 39-24, or with a violation of a municipal ordinance which is equivalent to any of the provisions of the foregoing statutes. Within ten days after a final order or judgment of conviction, for a violation not subject to disposition and

reporting ~~pursuant to~~ under chapter 39-06.1, by the North Dakota supreme court or any lower court having jurisdiction, provided that no appeal is pending and the time for filing a notice of appeal has elapsed, the magistrate then having jurisdiction shall forward a report of that fact to the licensing authority. Any conviction for which a report is received by the licensing authority may be deemed by the licensing authority to be final, and the licensing authority may take any action authorized by law to be taken based ~~upon~~ on the report. Subject to the filing of an appeal, a conviction ~~shall include~~ includes those instances when:

1. A sentence is imposed and suspended;
2. Imposition of a sentence is suspended under chapter 12-53; or
3. There is a forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

SECTION 20. AMENDMENT. Section 39-08-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-08-01. Persons under the influence of intoxicating liquor or controlled substances not to operate vehicle - Penalty.

1. ~~No~~ A person ~~shall~~ may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if:
 - a. ~~He~~ That person is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
 - b. ~~He~~ That person is under the influence of intoxicating liquor;
 - c. ~~He~~ That person is under the influence of any controlled substance to a degree which renders ~~him~~ that person incapable of safely driving; ~~or~~
 - d. ~~He~~ That person is under the influence of a combination of intoxicating liquor and a controlled substance to a degree

rendering him incapable of safely driving; or

e. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight.

2. A person violating any provision of this section or equivalent ordinance is guilty of a class B misdemeanor for the first conviction in a twenty-four-month five-year period, and of a class A misdemeanor for the second a later conviction in a twenty-four-month five-year period. The minimum penalty for such violation shall be either three days in jail or a fine of one hundred dollars, or both such fine and imprisonment. In the event the complaint does not include the allegation that, if convicted, such conviction would be the second or subsequent violation within the time limit as provided in this section, the violating this section is as provided in subsection 4. The court may shall take judicial notice of such the fact that a conviction would be a subsequent conviction if indicated by the records of the state highway department or may make such finding based on other evidence.

3. Repealed by S.B. 1975, ch. 106, § 673.

4. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff or the chief law enforcement officer of the city, as is appropriate, for the duration of the period of suspension of the offender's driver's license or driving privilege by the licensing authority. The impounded motor vehicle number plates may be released, upon the order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title issued by the registrar of motor vehicles.

5. The court may, upon a conviction of a person under this section, but prior to sentencing, refer the person to an addiction facility licensed by the North Dakota state department of health for

diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed in this section or it may sentence the person to treatment in a facility approved by the North Dakota department of human services.

4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
 - a. For a first offense, the sentence must include both a fine of at least two hundred fifty dollars and referral for addiction evaluation to an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.
 - b. For a second offense within five years, the sentence must include at least five days in jail of which forty-eight hours must be served consecutively, or ten days' community service; a fine of at least five hundred dollars; and referral for addiction evaluation to an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.
 - c. For a third offense within five years, the sentence must include at least ninety consecutive days in jail; a fine of one thousand dollars, and referral for addiction evaluation to an appropriate licensed addiction treatment program. If the addiction evaluation indicates treatment is needed, the court shall notify the commissioner.
 - d. For a fourth offense within seven years, the sentence must include one year in jail and a fine of one thousand dollars.
 - e. A sentence of incarceration or imposition of such sentence under this section may not be suspended under

chapter 12-53 except in the following instances:

- (1) Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.
 - (2) If the defendant is under age eighteen when convicted.
- f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section shall be considered a prior offense if such offense was committed within the time limitations specified in this subsection.
- g. If the penalty provided by this section is incarceration of ninety consecutive days or more upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo inpatient treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the inpatient treatment must be considered a portion of a sentence to jail under this section.

SECTION 21. A new section to chapter 39-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special punishment for causing injury while operating a vehicle while under the influence or while having certain blood alcohol concentration.

1. A person is guilty of an offense under this section when in consequence of that person's intoxication while operating a motor vehicle that person causes the death or serious bodily injury, as defined in section 12.1-01-04, of another person. For purposes of this section "intoxication" means the person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight or is under the influence of alcohol or a

controlled substance, or both, to a degree which renders the person incapable of safely driving a motor vehicle.

2. If the act in violation of subsection 1 is the cause of the death of any person within one year of the crash, violation of subsection 1 is a violation of section 12.1-16-02 or section 12.1-16-03 and the penalty must be at least as provided in this section.
3. If the act in violation of subsection 1 is the cause of serious bodily injury, as defined in section 12.1-01-04, to another person, violation of subsection 1 is a violation of section 39-08-03 and the penalty must be at least as provided in this section.
4. If the defendant was at least eighteen years of age at the time of the offense, the penalty for a violation of this section and section 12.1-16-02 or 12.1-16-03 must be at least one year's imprisonment and the penalty for a violation of this section and section 39-08-03 must be at least ninety days' incarceration. The sentence, or imposition of the sentence, under this subsection may not be suspended under chapter 12-53 unless the court finds that manifest injustice would result from imposition of the sentence. The sentence must be served in its entirety, without benefit of parole, pardon, credit for good conduct, or other release during the sentence. The sentence under this subsection must be consecutive to any sentence imposed for violating section 39-08-01 or equivalent ordinance.
5. If the defendant was less than eighteen years of age at the time of the offense, the punishment may be in accordance with subsection 4 or chapter 27-20.

SECTION 22. AMENDMENT. Section 39-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-01. Implied consent to determine alcoholic content of blood. Any person who operates a motor vehicle upon the public highways of on a highway or on public or private areas to which the public has a right of

access for vehicular use in this state shall be is
deemed to have given consent, and shall consent,
subject to the provisions of this chapter, to a
chemical test, or tests, of his the blood, breath,
saliva, or urine for the purpose of determining the
alcoholic content of his the blood. The test or
tests shall must be administered at the direction of
a law enforcement officer only after placing such the
person, except persons mentioned in section 39-20-03,
under arrest and informing him that person that he
the person is or will be charged with the offense of
driving or being in actual physical control of a
vehicle upon the public highways while under the
influence of intoxicating liquor. The arresting
officer shall determine which of the aforesaid tests
shall is to be used.

SECTION 23. AMENDMENT. Section 39-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to chemical testing. If a person under arrest refuses to submit to chemical testing under section 39-20-01 or 39-20-14, none shall be given, but the commissioner, upon the receipt of that person's operator's license, if taken under section 28 of this Act, and a sworn report of the law enforcement officer, forwarded by the arresting officer within five two days after the refusal, showing that he the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor in violation of section 39-08-01 or equivalent ordinance, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke his that person's license or permit to drive and any nonresident operating privilege for a period of six months or, if one year, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the commissioner shall deny to the person the issuance of a license or permit for a period of six months one year after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as hereinafter provided in this chapter.

SECTION 24. AMENDMENT. Section 39-20-05 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-05. Administrative hearing on request. Prior

to

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or section 29 of this Act, the commissioner shall give such the person a written notice of intention to revoke or deny and afford him an opportunity for a hearing. If the commissioner receives a written request within ten days, he shall hold such hearing if the person mails a request for the hearing to the commissioner within five days after the date the operator's license was confiscated by a law enforcement officer under section 28 of this Act. The hearing must be held within sixty twenty days after the date the operator's license was confiscated by the law enforcement officer.
2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the commissioner and at a time and place designated by the commissioner. The hearing must be transcribed and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of 39-08-01 or equivalent ordinance; whether the person was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether, based on a review of the test procedures and results, the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight. Whether the person was informed that the privilege to drive might be suspended based on the results of the test is not an issue. The
3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing shall must be before the commissioner or his authorized agent in the county wherein the

alleged events occurred for which the person was arrested, unless the commissioner or his authorized agent and the person agree that the hearing may be held in some other county a hearing officer assigned by the commissioner at a time and place designated by the commissioner. The hearing shall must be transcribed and its scope shall may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor in violation of section 39-08-01 or equivalent ordinance; whether the person was placed under arrest if applicable; and, whether he that person refused to submit to the test or tests. Whether the person was informed that ~~his~~ the privilege to drive would be revoked or denied ~~if he refused~~ for refusal to submit to the test or tests shall is not be an issue.

4. At the a hearing under this section, the regularly kept records of the commissioner may be introduced and shall. Those records establish prima facie the their contents thereof without further foundation. The commissioner or his authorized agent shall promptly make findings of fact, conclusions, and decision as provided for in section 28-32-13. At the close of the hearing, the hearing officer shall notify the person of the hearing officer's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the hearing officer finds, based on a preponderance of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or that the person was operating a motor vehicle with a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing officer shall immediately take possession of the person's temporary driver's permit issued under section 28 of this Act. If the hearing officer does not find against the person, the hearing officer shall sign, date, and mark on the person's permit an extension of driving

privileges for the next twenty days and shall return the permit to the person. The hearing officer shall report the findings, conclusions, and decisions to the commissioner within ten days of the conclusion of the hearing. Within two days from the date in which the commissioner receives the report, the commissioner shall mail a notice of the decision and of the resulting order of the commissioner to the person who requested the hearing and, if the resulting order of the commissioner is to not suspend or not revoke the person's operator's license, shall return the license to the person. Notice of the decision and resulting order of the commissioner shall be is sufficient if mailed by regular mail to the address on file with the commissioner pursuant to under section 39-06-20.

SECTION 25. AMENDMENT. Section 39-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-06. Judicial review. Any person aggrieved by the decision of the commissioner or his authorized agent a hearing officer under section 39-20-05 may, within thirty seven days after the commissioner mailed the notice of the decision, section 28-32-15 notwithstanding, serve and file a notice of appeal and specifications of error in the district court in the county wherein where the alleged events occurred for which he was arrested the demand for a test was made, or in the county in which the administrative hearing was held. it shall be the duty of the The court to shall set the matter for hearing, and the petitioner shall give twenty days' notice thereof of the hearing to the commissioner and to the hearing officer who rendered the decision. The commissioner shall may not thereupon stay his the decision until the hearing date but in no event for more than sixty days. Within fifteen days after receipt of the notice from the aggrieved person, the commissioner or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It shall constitute is the record on which appeal shall be determined. No additional evidence shall may be heard. The court shall affirm the decision of the commissioner or his authorized agent hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the commissioner or hearing

officer. The court may ~~in its discretion~~ direct that the matter be returned to the commissioner or hearing officer for rehearing and the presentation of additional evidence.

SECTION 26. AMENDMENT. Section 39-20-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-07. Interpretation of chemical tests. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged as shown by a chemical analysis of ~~his~~ the blood, breath, saliva, or urine is admissible. For the purpose of this section:

1. A person having, at that time, ~~five-hundredths~~ a blood alcohol concentration of not more than five one-hundredths of one percent ~~or less~~ by weight of alcohol in his blood is presumed not to be under the influence of intoxicating liquor.
2. Evidence that there was at that time more than ~~five-hundredths~~ five one-hundredths of one percent and less than ~~ten-hundredths~~ ten one-hundredths of one percent by weight of alcohol in the person's blood is relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor.
3. A person having, at that time, ~~ten-hundredths~~ a blood alcohol concentration of at least ten one-hundredths of one percent ~~or more~~ by weight of alcohol in his blood shall be conclusively presumed to be under the influence of intoxicating liquor.
4. Percent by weight of alcohol in the blood ~~shall be~~ or blood alcohol concentration is based upon grams of alcohol per one hundred cubic centimeters of blood.
5. The results of ~~such~~ the chemical analysis ~~shall~~ must be received in evidence when it is shown that the test was fairly

administered, provided that a and if the test of a person's blood, urine, breath, or other bodily substance and the result thereof is further shown to have been performed according to methods or and with devices approved by the state toxicologist, or both, and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to shall approve satisfactory techniques, devices, and methods of chemical analysis and to determine the qualifications of individuals to conduct such analysis, and shall issue a certificate to all qualified operators who shall exhibit the certificate upon demand by of the person requested to take the chemical test. The state toxicologist may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the state toxicologist for appropriate action. Upon approval of the methods or devices, or both, and techniques required to perform such the tests and the persons qualified to administer them, the state toxicologist shall prepare and file written record of such the approval with the clerk of the district court in each county within the state which and shall include in the record:

- a. A quarterly register of the specific testing devices currently approved, including serial number, location, and the date and results of last inspection.
- b. A quarterly register of currently qualified and certified operators of said the devices, stating the date of certification and its expiration.
- c. The operational check list and forms prescribing the methods and techniques currently approved by the state toxicologist in using such the devices during the administration of the tests.

Copies of the above these records certified by the clerk of the district court shall

must be admitted as prima facie evidence of the matters stated ~~therein~~ in the records.

6. A certified copy of the analytical report of a blood analysis signed by the state toxicologist ~~shall~~ must be accepted as prima facie evidence of the results of ~~such~~ a chemical analysis performed herein under this chapter.
7. Notwithstanding any statute or rule to the contrary, the defendant may subpoena the state toxicologist or any employee ~~thereof~~ of the state toxicologist to testify at the trial of the issue ~~at no~~ without cost to the defendant.

SECTION 27. AMENDMENT. Section 39-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-09. Effect of evidence of chemical test. The Except as provided in subsection 3 of section 39-20-07, the provisions of this chapter do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor.

SECTION 28. A new section to chapter 39-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

Action following test result or on refusing test. If a person refused to submit to a test as provided under section 39-20-01 or 39-20-14, or if a person submits to a test under section 39-20-01 or 39-20-03 and the test shows that person to have a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the following procedures apply if the person has an operator's license issued by the commissioner:

1. The law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary driver's permit extending driving privileges for the next twenty days. The law enforcement officer shall sign and note the date on the temporary driver's permit.
2. If a test administered under section 39-20-01 or 39-20-03 was by drawing blood as provided in section 39-20-02 and the

person so tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the blood from the state toxicologist and if the analysis shows that person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, notify the sheriff in the county of this state where the person lives. On that notification, that sheriff shall immediately take possession of the person's North Dakota operator's license and, within twenty-four hours, relay the license to the arresting officer. The sheriff shall also, on taking possession of the person's operator's license, issue to that person a temporary driver's permit as provided in this section, and shall sign and date the permit as provided in subsection 1.

3. The law enforcement officer, within two days of the taking possession of the person's operator's license, shall forward to the commissioner the license and a sworn report by the law enforcement officer. If the person's license is forwarded due to the person's refusal to submit to a test under section 39-20-01 or 39-20-14, the sworn report by the law enforcement officer shall include information as provided in section 39-20-04. If the person's license is forwarded due to the results of the person's test, the sworn report by the law enforcement officer must inform the commissioner that the arrested person was tested in accordance with section 39-20-01 or 39-20-03, and, if applicable, section 39-20-02, and that the results of the test show that the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight.

SECTION 29. A new section to chapter 39-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administrative penalty for driving or being in physical control of a vehicle while having certain blood alcohol concentration.

1. After the receipt of a person's operator's license, if taken under section 28 of this Act, and the sworn report of a law

enforcement officer and if no written request for hearing has been received from the arrested person under section 39-20-05, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the arrested person was driving or in physical control of a vehicle while having a blood alcohol concentration of at least ten one-hundredths of one percent by weight, the commissioner shall suspend the person's operator's license as follows:

- a. For ninety days if the person was arrested for driving in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that the person has not previously violated section 39-08-01 or equivalent ordinance within the preceding five-year period.
 - b. For forty-five days if the person was arrested for being in physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that the person has not previously violated section 39-08-01 or equivalent ordinance within the preceding five-year period.
 - c. For one year if the person was arrested for driving in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that the person has previously violated section 39-08-01 or equivalent ordinance within the preceding five-year period.
 - d. For one hundred eighty days if the person was arrested for being in physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance and the person's driving record shows that the person has previously violated section 39-08-01 or equivalent ordinance within the preceding five-year period.
2. In the suspension of the person's operator's license the commissioner shall give credit for the time the person was

without a driver's license after the day of the offense, except that the commissioner may not give credit for the time the person retained driving privileges through a temporary driver's permit issued under section 28 of this Act or section 39-20-06.

SECTION 30. AMENDMENT. Section 40-05-06 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-05-06. City fines and penalties limited.

1. Except as provided in subsections 2 ~~and~~ 3, and 4, the fine or penalty for the violation of any ordinance, resolution, or regulation of a city ~~shall~~ may not exceed five hundred dollars, and the imprisonment ~~shall~~ may not exceed thirty days for one offense.
2. For every violation of a city ordinance regulating the operation or equipment of motor vehicles or regulating traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which ~~shall~~ may not exceed the limits, for equivalent categories of violations, set forth in section 39-06.1-06.
3. For every violation of a city ordinance prohibiting shoplifting, vandalism, criminal mischief, or malicious mischief, the penalty may not exceed a fine of one thousand dollars, imprisonment for thirty days, or both ~~such fine and imprisonment~~.
4. For every violation of a city ordinance regulating the operation of a motor vehicle equivalent to section 39-08-01, the penalty and sentencing is as provided under section 39-08-01.

~~This~~ Except as provided in subsection 4, this section ~~shall~~ does not be ~~construed to~~ prohibit the ~~utilization~~ use of the sentencing alternatives, other than a fine or imprisonment, provided by section 12.1-32-02 for the violation of a city ordinance, nor ~~shall~~, except as provided in subsection 4, ~~does~~ this section limit the use of deferred or suspended sentences ~~pursuant to~~ under chapter 12-53.

SECTION 31. AMENDMENT. Section 40-18-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-12. Commitment for violation of city ordinance - Limitation - Labor in lieu of fine - Diagnosis and treatment of persons convicted while driving under the influence. If the defendant is found guilty of the violation of a municipal ordinance and is committed as provided in section 40-11-12, the governing body may provide by ordinance that he shall be required to the defendant work for the municipality at such labor as his the defendant's strength and health will permit, not exceeding eight hours in each working day. For that work, the person so imprisoned shall must be allowed for each day, exclusive of his board, ten dollars on account of the fines and costs assessed against him. If a person is convicted under an ordinance prohibiting driving while under the influence of an intoxicating liquor or a narcotic drug, the court may, prior to sentencing, shall refer the person to an approved treatment facility appropriate licensed addiction treatment program for diagnosis addiction evaluation and, if the evaluation indicates that treatment is needed, report to the state highway commissioner in accordance with section 39-08-01. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed by the city's ordinances or it may sentence the person to treatment in a facility approved by the state division of alcoholism and drug abuse.

SECTION 32. AMENDMENT. Section 40-18-13 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-13. Sentencing alternatives - Suspension of sentence or imposition of sentence. Subject to section 40-05-06, a municipal judge may utilize use the sentencing alternatives provided by section 12.1-32-02 and may suspend any sentence imposed by him the judge imposes or suspend the imposition of any sentence during the good behavior of any person adjudged to have committed an offense, or for other reasonable cause, pursuant to under chapter 12-53, except that a municipal judge may not suspend a sentence or the imposition of sentence for driving a motor vehicle in violation of an operator's license suspension, revocation, or restriction or for a violation of section 39-08-01 or equivalent ordinance if that suspension of sentence or suspension of the imposition of sentence is prohibited under section 39-06-17, section 39-06-42, or chapter 39-08.

SECTION 33. REPEAL. Section 39-06-29.1 of the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2388 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

SB 2388 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2394 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the word "contracts" insert the words "; and to declare an emergency"

On page 1, line 20, after the word "or" insert the words "for purposes of nonrenewal,"

On page 1, line 21, delete the words "in a particular school district"

On page 2, line 17, after the word "cause." insert the words "Each district shall have an established system through which an annual written evaluation is prepared for every teacher employed by the district. These written performance reviews shall be made available to the teacher."

On page 3, line 10, after the word "which" insert the words "an annual"

On page 3, line 11, delete the words "evaluations are" and insert in lieu thereof the words "evaluation is"

On page 3, line 13, delete the word "any" and insert in lieu thereof the word "the", and after the word "teacher" insert an underscored period and delete the words "at the time"

On page 3, delete line 14

On page 3, line 15, delete the words "not to renew the contract of the teacher."

On page 4, after line 14, 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
SEN. PETERSON, Chairman

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

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was rereferred SB 2418 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 21, after the underscored period, insert the sentence, "If a court of competent jurisdiction decides that an exemption under this section results in unconstitutional discrimination against comparable federal securities, the commissioner shall suspend that exemption."

On page 2 of the engrossed bill, line 17, after the underscored period, insert the sentence, "If a court of competent jurisdiction decides that an exemption under this section results in unconstitutional discrimination against comparable federal securities, the commissioner shall suspend that exemption."

On page 3 of the engrossed bill, line 3, after the underscored period, insert the sentence, "If a court of competent jurisdiction decides that an exemption under this section results in unconstitutional discrimination against comparable federal securities, the commissioner shall suspend that exemption."

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

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2427 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2427 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2428 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2428 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2431 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 1, after the word "Act" insert the words "to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, permitting home rule cities to levy sales, use, motor vehicle fuel, and special fuel taxes only upon approval of electors; and"

On page 1, after line 5, insert the following new section:

"SECTION 1. Additional tax on sales, use, motor vehicle fuel, and special fuel may be levied by home rule cities - Approval by voters. The governing body of a home rule city may impose sales, use, motor vehicle fuel, or special fuel taxes in addition to any other taxes imposed by law only upon approval by a majority of the voters of the city voting on the question. The question may be submitted to the voters by the governing body of the city at a regular or special election."

And renumber the lines, sections, and pages accordingly

SEN. GOODMAN, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2436 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 6, after the word "arbitration" and before the period insert the words "; and to provide an appropriation"

On page 1, line 20, delete the word "and" and insert in lieu thereof the word "or"

- On page 1, line 27, after the word "commission" and before the period insert the word "- Appropriation"
- On page 2, line 2, delete the words "If the public service commission agrees to serve as an"
- On page 2, line 3, delete the words "arbitrator, the" and insert in lieu thereof the word "The"
- On page 2, line 5, after the period insert the following:

"The parties requesting the arbitration proceeding shall pay the expense of the proceeding, the compensation of any experts, and actual expenses of any employees of the commission while engaged in the proceeding. The commission shall ascertain such costs and expenditures and, after giving the parties notice and opportunity to be heard, and after a hearing to determine the amount of cost and expenditures if a hearing is demanded by either of the parties, shall render a bill and make an order for payment by registered or certified mail. Upon order for payment, the parties, within ten days after receipt of the order, shall pay to the commission the amount of the costs and expenses. The commission shall deposit all costs and expenses collected under this section in the public utility valuation revolving fund in the state treasury. All moneys transferred or deposited in the public utility valuation revolving fund for the payment of costs and expenses incurred under this section are hereby appropriated. These moneys are not subject to section 54-44.1-11."

- On page 2, after line 5, insert the following new section:

"SECTION 3. TRANSFER AND APPROPRIATION. There is hereby transferred and appropriated to the public utility valuation revolving fund in the state treasury the sum of \$2,500 from the general fund in the state treasury."

And renumber the lines and pages accordingly

SEN. LIPS, Chairman

SB 2436 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2447 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, delete the words "to provide an appropriation;"

On page 4, delete lines 1 through 11

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

SB 2447 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2451 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, line 21, overstrike the word "five-year" and insert immediately thereafter the word "ten-year"

On page 2, line 22, overstrike the word "five-year" and insert immediately thereafter the word "ten-year"

On page 2, line 23, overstrike the words "most recent five years of the six years" and insert immediately thereafter the words "twelve years ending with the most recent years"

On page 2, line 24, after the numeral "1" insert the words ", discarding the highest and lowest years,"

On page 2, line 24, after the numeral "1" insert the words ", discarding the highest and lowest years,"

On page 2, line 29, overstrike the words "To find the"

On page 2, overstrike lines 30, 31, and 32

On page 3, line 1, after the word "basis" insert the words ", to compute annually the average agricultural value per acre for cropland and noncropland, which is agricultural land, for each county,"

On page 3, line 5, overstrike the words "this estimate" and insert immediately thereafter the words "these estimates"

And renumber the lines and pages accordingly
SEN. GOODMAN, Chairman

SB 2451 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2452 has had the same under consideration and

recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 3, delete the words "hydroelectricity or"

On page 1, line 12, delete the words "or which is generated"

On page 1, line 13, delete the words "by hydroelectric facilities within this state"

On page 1, line 15, delete the words "one and fifty" and insert in lieu thereof the words "twenty-five"

On page 1, line 15, after the word "mill" insert the words "less than the rate of tax imposed on electrical generating plants in section 57-60-02"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2452 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2470 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2470 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2472 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2472 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SCR 4031 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SCR 4031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. LODOEN MOVED that SB 2041 be laid over one legislative day, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2233 be placed directly behind SB 2067 on the calendar, which motion prevailed.

SEN. SATROM MOVED that SB 2441 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2003: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; providing for an exemption; providing for state employee salary limitations; and declaring an emergency.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Lee; Tallackson

SB 2003 passed, the title was agreed to, and the emergency clause carried.

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of the pardon board and the parole and probation office of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander;

Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;
 Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore;
 Mutch; Naaden; Nelson; Nething; Olson; Parker;
 Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;
 Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
 Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2021 passed and the title was agreed to.

SB 2027: A BILL for an Act making an appropriation for defraying the expenses of the state historical board and international peace garden of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David;
 Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;
 Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander;
 Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;
 Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore;
 Mutch; Naaden; Nelson; Nething; Olson; Parker;
 Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;
 Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
 Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2027 passed and the title was agreed to.

SB 2033: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2033 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the opinion of the Attorney General dated February 15, 1983, be printed in the Journal, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA

Robert O. Wefald
Attorney General

February 15, 1983

Honorable David Nething
State Senator
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Senator Nething:

We have examined the proposed amendment to Senate Bill 2037 and it is our opinion that a two-thirds vote is not required since the amendment is simply a statement of legislative intent.

Sincerely,

Robert O. Wefald

SECOND READING OF A SENATE BILL

SB 2037: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

Which has been read.

MOTION

SEN. LIPS MOVED that Reengrossed SB 2037 be amended as follows:

On page 1 of the reengrossed bill, after line 18, insert the following section:

"SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the appropriation provided in section 1 of this Act is the maximum amount available for distribution to political subdivisions in accordance with initiated measure No. 1 approved in the November 1978 general election (NDCC section 54-27-20.1) which provides for the sharing of general fund revenues of the state of North Dakota and in accordance with the attorney general's opinion, dated December 20, 1978, for the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines accordingly

MOTION

SEN. LIPS MOVED that the proposed amendments be adopted.

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2037, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2037, the roll was called and there were 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom

NAYS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg

The proposed amendments to Reengrossed SB 2037 were adopted.

MOTION

SEN. LIPS MOVED that the rules be suspended, that Reengrossed SB 2037 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2037: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2037 passed and the title was agreed to.

SB 2040: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Vosper;
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tweten

SB 2040 passed, the title was agreed to, and the emergency clause carried.

SB 2067: A BILL for an Act to create and enact a new subsection to section 15-20.4-02, nine new sections to chapter 53-06.1, a new subsection to section 53-06.1-01, a new subsection to section 53-06.1-06, and a new section to chapter 54-12 of the North Dakota Century Code, relating to games of chance, regulatory power of the state board of vocational education, definitions, allocation of tax revenues, limitations on hours and participation in games of chance and regulation of the number of twenty-one tables per site and the number of sites per eligible organization, persons permitted to conduct games of chance, unlawful use of bogus chips, marked cards, cheating devices, and fraudulent schemes, powers and duties of the attorney general, license suspension or revocation, and work permits; to amend and reenact subsections 7 and 15 of section 53-06.1-01, subsection 3 of section 53-06.1-03, sections 53-06.1-04, 53-06.1-05, subsections 2 and 9 of section 53-06.1-06, sections 53-06.1-08, 53-06.1-10, subsection 3 of section 53-06.1-11, and sections 53-06.1-12 and 53-06.1-16 of the North Dakota Century Code, relating to definitions, permit fees for games of chance site approval, licensure, bingo and raffles conducted by educational organizations and college fraternities and sororities, allowable wagers in the game twenty-one, persons permitted to conduct games of chance and distribute equipment, maximum price per jar ticket, sports pools, twenty-one, tax on adjusted gross proceeds received by eligible organizations conducting games of chance, expenses which may be deducted by eligible organizations, and payment of a portion of the tax collected to the city or county granting approval of the site; and to provide penalties.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 45 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David;
Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;

Grotberg; Heigaard; Miller Heinrich; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wright

NAYS: Hilken; Kilander; Lashkowitz; Matchie; Satrom

ABSENT AND NOT VOTING: Holmberg; Wenstrom; Wogsland

SB 2067 passed and the title was agreed to.

SB 2233: A BILL for an Act to create and enact a new subsection to section 15-20.4-02, six new sections to chapter 53-06.1, a new subsection to section 53-06.1-01, a new subsection to section 53-06.1-06, and a new section to chapter 54-12 of the North Dakota Century Code, relating to an additional exception to the regulatory power of the state board of vocational education, the definition of "person", persons permitted to conduct games of chance, civil action to collect fees and taxes and to prevent noncompliance, the unlawful use of bogus chips, marked cards, cheating devices and fraudulent schemes, the powers and duties of the attorney general, work permits, and the authority of the attorney general to regulate courses of instruction relating to the manner of conducting games of chance; and to amend and reenact subsection 3 of section 53-06.1-03, sections 53-06.1-04, 53-06.1-05, subsections 2 and 9 of section 53-06.1-06, sections 53-06.1-08, 53-06.1-09, 53-06.1-10, subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-16 of the North Dakota Century Code, relating to licensure, bingo and raffles conducted by college fraternities and sororities, items of expense and equipment, persons permitted to conduct games of chance and distribute equipment, maximum price per jar ticket, sports pools, twenty-one, percentage expense limitation, and tax; and to repeal subsection 4 of section 53-06.1-03 of the North Dakota Century Code, relating to powers of the attorney general; and to provide a penalty.

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

ROLL CALL

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

YEAS: None

NAYS: Adams; Bakewell; Berube; David; Dotzenrod;
Dykshoorn; Erickson; Fritzell; Goodman; Grotberg;

Heigaard; Miller Heinrich; Hilken; Kilander; Krauter;
 Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen;
 Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch;
 Naaden; Nelson; Nething; Olson; Parker; Peterson;
 Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;
 Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;
 Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Barth; Christensen; Holmberg;
 Wenstrom

SB 2233 was declared lost.

SB 2074: A BILL for an Act to create and enact chapter 15-10.2 of the North Dakota Century Code, relating to a state board of postsecondary education; to amend and reenact sections 15-10.1-02, 15-10.1-03, 15-10.1-05, 15-36-01, 15-39.2-04.1, 15-40.1-07, 15-41-25, 15-62.2-01, and subsection 6 of section 15-62.3-01 of the North Dakota Century Code, relating to cross-references to laws repealed by this Act; to repeal chapters 15-10 and 15-20.1 of the North Dakota Century Code, relating to the state board of higher education and the state board for vocational education; and to provide for an effective date.

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

ROLL CALL

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

YEAS: Nelson; Peterson; Streibel

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David;
 Dykshoorn; Erickson; Fritzell; Goodman; Grothberg;
 Heigaard; Miller Heinrich; Hilken; Kilander; Krauter;
 Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen;
 Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch;
 Naaden; Nething; Olson; Parker; Redlin; Satrom;
 Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd;
 Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Dotzenrod; Holmberg; Reiten;
 Wenstrom

SB 2074 was declared lost.

SB 2155: A BILL for an Act to amend and reenact section 38-14.1-07 of the North Dakota Century Code, relating to mining prohibited in certain areas.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 28 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berube; David; Dotzenrod; Fritzell; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Parker; Redlin; Satrom; Stenehjeme; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Barth; Christensen; Dykshoorn; Erickson; Goodman; Grotberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Reiten; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Holmberg; Peterson; Stromme; Wenstrom

SB 2155 was declared lost.

SB 2299: A BILL for an Act to establish a bill of rights for health care facility residents, to provide for implementation of those rights and to authorize adoption of rules.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjeme; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Wenstrom

SB 2299 passed and the title was agreed to.

SB 2333 A BILL for an Act to amend and reenact section 4-34-08 of the North Dakota Century Code, relating to the assessment of cattle for the beef commission.

Which has been read.

MOTION

SEN. BARTH MOVED that SB 2333 be amended as follows:

On page 1, line 1, after the word "to" insert the following: "create and enact a new subsection to section 4-34-02 and a new section to chapter 4-34 of the North Dakota Century Code, relating to the definition of a participating producer and providing a referendum by beef producers; and to", delete the word "section" and insert in lieu thereof the word "sections", and after the numeral "4-34-08" insert the word and numeral "and 4-34-11"

On page 1, line 3, after the word "commission" and before the period insert the words "and the period for refunds"

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

"SECTION 1. A new subsection to section 4-34-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

"Participating producer" means a beef producer who has not claimed for oneself any refunds for the payment of assessments on beef production under this chapter for a particular year, or a beef producer who is not exempt from the payment of the assessment on beef production under this chapter.

SECTION 2. A new section to chapter 4-34 of the North Dakota Century Code is hereby created and enacted to read as follows:

Referendum by growers. Whenever fifteen percent of the participating producers, as disclosed by the records of the commission for the preceding year, petition the commission, the commission shall conduct a referendum among the participating producers of the state to determine whether they wish the legislative assembly to raise or lower the assessment imposed by section 4-34-08. The referendum shall be conducted only among

participating producers who have paid all assessments pursuant to this chapter for the preceding year and the commission shall prepare the ballot and mail it to each participating producer at least thirty days prior to the last date for filing ballots. In addition, each ballot must be accompanied by a notice to each participating producer:

1. Of the date of the filing of the petition by the participating producers for the referendum and the number of signatories.
2. Of the date and place where the commission will open and tabulate the ballots which dates shall not be less than five days after the last date for filing the ballots.
3. Of the last date upon which ballots may be filed with the commission, or postmarked if delivered to the commission by mail.
4. That any participating producer may attend the meeting of the commission at the time the ballots are opened and the votes tabulated."

On page 1, after line 14, insert the following new section:

"SECTION 4. AMENDMENT. Section 4-34-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-34-11. Refund of assessments. Any person who has made payment of assessments under the provisions of this chapter or who has had payment made on his behalf of ~~such the~~ assessments may request and receive a refund, provided that a request for ~~such~~ the refund is made within ~~six months~~ one year after the remittance of ~~such the~~ assessments. Applications for refunds shall be made by the seller himself in such form as ~~shall be~~ is reasonably required by the commission, and shall provide the commission with sufficient information to identify ~~such the~~ assessments."

And renumber the lines, sections, and pages accordingly

MOTION

SEN. BARTH MOVED that the proposed amendments be adopted.

SEN. D. MEYER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2333, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2333, the roll was called and there were 15 YEAS, 34 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg;
Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;
Matchie; Mutch; Redlin; Satrom; Waldera; Walsh

NAYS: Adams; Bakewell; David; Dykshoorn; Erickson;
Fritzell; Goodman; Heigaard; Kilander; Lee; Leibhan;
Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Naaden;
Nelson; Nething; Olson; Parker; Peterson; Reiten;
Stenehjem; Streibel; Stromme; Tallackson; Tennefos;
Thane; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Christensen; Holmberg; Maixner;
Wenstrom

The proposed amendments to SB 2333 lost.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David;
Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;
Grotberg; Heigaard; Hilken; Kilander; Kusler;
Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie;
Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson;
Nething; Olson; Peterson; Reiten; Satrom; Stenehjem;
Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;
Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Barth; Miller Heinrich; Krauter; Redlin

ABSENT AND NOT VOTING: Holmberg; Maixner; Parker;
Wenstrom

SB 2333 passed and the title was agreed to.

SB 2350: A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to the amount of supplementary workmen's compensation benefits.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Fritzell; Holmberg; Maixner; Wenstrom

SB 2350 passed and the title was agreed to.

SB 2372: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to truth about drinking advertising by licensees and wholesalers of alcoholic beverages; and to provide a penalty.

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

ROLL CALL

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

YEAS: Moore; Tweten

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Maixner; Tallackson; Wenstrom

SB 2372 was declared lost.

SB 2440: A BILL for an Act to amend and reenact section 57-38-29 and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the rate of individual income taxes; and to provide an effective date.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 20 YEAS, 29 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Leibhan; Lodoen; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Holmberg; Lips; Maixner; Wenstrom

SB 2440 was declared lost.

SB 2464: A BILL for an Act to amend and reenact section 43-35-13 of the North Dakota Century Code, relating to the certification of water well drillers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 45 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nothing; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Dotzenrod; Grotberg

ABSENT AND NOT VOTING: Holmberg; Lips; Maixner; Nelson; Parker; Wenstrom

SB 2464 passed and the title was agreed to.

SB 2469: A BILL for an Act to create and enact a new section to chapter 43-15 and a new subsection to section 43-15-10 of the North Dakota Century Code, relating to sale of nonprescription drugs and the powers of the board of pharmacy regarding nonprescription drugs; to amend and reenact section 43-15-02 of the North Dakota Century Code, relating to application to proprietary medicines; and to repeal section 43-15-33 of the North Dakota Century Code, relating to the license to sell emergency medicines.

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

MOTION

SEN. REITEN MOVED that SB 2469 be amended as follows:

On page 1, line 18, delete the word "twenty-"

MOTIONS

SEN. REITEN MOVED that the proposed amendment be adopted, which motion prevailed.

SEN. REITEN MOVED that the rules be suspended, that SB 2469 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2469: A BILL for an Act to create and enact a new section to chapter 43-15 and a new subsection to section 43-15-10 of the North Dakota Century Code, relating to sale of nonprescription drugs and the powers of the board of pharmacy regarding nonprescription drugs; to amend and reenact section 43-15-02 of the North Dakota Century Code, relating to application to proprietary medicines; and to repeal section 43-15-33 of the North Dakota Century Code, relating to the license to sell emergency medicines.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 21 YEAS, 27 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Barth; Erickson; Fritzell; Heigaard;
Miller Heinrich; Hilken; Kusler; Lashkowitz; Matchie;
Meyer, J.; Nething; Peterson; Redlin; Reiten; Satrom;
Tallackson; Thane; Vosper; Waldera; Walsh; Wright

NAYS: Adams; Bakewell; Berube; Christensen; Davi';
Dotzenrod; Dykshoorn; Goodman; Grotberg; Kilander;
Krauter; Lee; Leibhan; Lodoen; Meyer, D.; Moore; Mutch;

Naaden; Nelson; Olson; Parker; Stenehjelm; Streibel;
Stromme; Tennefos; Todd; Wogsland

ABSENT AND NOT VOTING: Holmberg; Lips; Maixner; Tweten;
Wenstrom

SB 2469 was declared lost.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

February 15, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 15, 1983, I signed
SB 2186.

Sincerely,

ALLEN I. OLSON
Governor

FIRST READING OF SENATE MEMORIAL RESOLUTION

Sens. Lashkowitz, Satrom introduced:

SMR 1: A memorial resolution commemorating U.S. Marshal Kenneth
Muir and Deputy U.S. Marshal Robert S. Cheshire, Jr., whose
lives were taken while in the line of duty.

SEN. LASHKOWITZ MOVED that the rules be suspended, that SMR 1
not be printed, not be referred to committee, but be read in its
entirety, printed in the Journal, and placed on the calendar for
second reading and final passage, which motion prevailed.

Sens. Lashkowitz, Satrom introduced:

SENATE MEMORIAL RESOLUTION NO. 1

A memorial resolution commemorating U.S. Marshal Kenneth Muir and
Deputy U.S. Marshal Robert S. Cheshire, Jr., whose lives were
taken while in the line of duty.

WHEREAS, Kenneth Muir served in the U.S. Marshal's office
since 1959 and as U.S. Marshal for the state of North Dakota
since December 1981; and

WHEREAS, Robert S. Cheshire, Jr. served as Deputy U.S. Marshal since 1978; and

WHEREAS, U.S. Marshal Kenneth Muir and Deputy U.S. Marshal Robert S. Cheshire, Jr., died on February 13, 1983, from gunshot wounds received while in the line of duty; and

WHEREAS, it is the intention of the Forty-eighth Legislative Assembly, as representative of all North Dakota citizens, to commemorate U.S. Marshal Kenneth Muir and Deputy U.S. Marshal Robert S. Cheshire, Jr., for their dedicated service to the people of this state in the U.S. Marshal's office;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the Forty-eighth Legislative Assembly commemorates U.S. Marshal Kenneth Muir and Deputy U.S. Marshal Robert S. Cheshire, Jr., and for their dedicated service to the people of this state in the United States Marshal's office; and

BE IT FURTHER RESOLVED, that all North Dakota citizens extend their sorrow and deepest sympathy to the spouses and families of these brave men, and express their firm belief that they did not die in vain; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Mrs. Kenneth Muir and Mrs. Robert S. Cheshire, Jr., and to the U.S. Marshal's offices in Bismarck and Fargo, North Dakota.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 1: A memorial resolution commemorating U.S. Marshal Kenneth Muir and Deputy U.S. Marshal Robert S. Cheshire, Jr., whose lives were taken while in the line of duty.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution.

SMR 1 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

SEN. LASHKOWITZ: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, ladies and gentlemen of the Senate, today the State of North Dakota mourns the untimely passing of two fine citizens, Kenneth Muir and Robert Cheshire, both highly respected and devoted law enforcement officers stricken down in the line of duty.

I want to share with this distinguished body, my deep admiration and respect for U.S. Marshall Kenneth Muir and Deputy Marshal Robert Cheshire. Mr. Muir, whom I knew personally, was a friend, neighbor and coworker in the city of Fargo. It was my privilege to have served in our city government while Kenneth Muir was a highly honored and respected member of the Fargo Police Department. As a law enforcement officer, Kenneth Muir earned the respect and gratitude of the people of our city for his total commitment to the service of our city and now as you all know, to our state and even our nation.

Kenneth Muir was honorable, courageous and totally dedicated to the service of our community and our country.

We mourn the passing of these two great men and will always honor their memory.

MOTIONS

SEN. NETHING MOVED that SB 2003 be reprinted in the minimum amount, which motion prevailed.

SEN. NETHING MOVED that SB 2037, SB 2067, SB 2299, and SB 2350 be reprinted, which motion prevailed.

SEN. NETHING MOVED that the bills that remain on the Eleventh order be placed at the head of the Eleventh order on Wednesday, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

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

HB 1068: A BILL for an Act to create and enact a new paragraph to subdivision d of subsection 1 of section 26-16.1-03, a new paragraph to subdivision d of subsection 1 of section 26-16.1-04, section 26-16.1-04.1, and a new section to chapter 57-38 of the North Dakota Century Code, or in the alternative if House Bill No. 1054 is approved by the forty-eighth legislative assembly, a new paragraph to subdivision d of subsection 1 of section 26.1-08-05, a new paragraph to subdivision d of subsection 1 of section 26.1-08-06, section 26.1-08-06.1, and a new section to chapter 57-38 of the North Dakota Century Code, relating to elimination of coverage for experimental medical and surgical procedures, maximum benefits of a qualified medicare extended plan, and an income tax credit for comprehensive health association assessments; to amend and reenact section 26-01-11, subsection 12 of section 26-16.1-01, section 26-16.1-05, subsection 2 of section 26-16.1-07, subsection 4 of section 26-16.1-08, section

26-16.1-09, and subsection 4 of section 26-16.1-11 of the North Dakota Century Code, or in the alternative if House Bill No. 1054 is approved by the forty-eighth legislative assembly, section 26.1-03-17, subsection 10 of section 26.1-08-01, subsection 2 of section 26.1-08-03, sections 26.1-08-04 and 26.1-08-08, subsection 4 of section 26.1-08-09, and subsection 4 of section 26.1-08-12 of the North Dakota Century Code, relating to a premium tax credit for comprehensive health association assessments, to the definition of qualified plan, to limiting association premiums to one hundred thirty-five percent of established rates, to the payment of claim expenses in excess of premiums allocated for the payment of benefits, to the maximum benefits of the comprehensive health insurance plan, and to a waiting period; to repeal subsection 3 of section 26-16.1-07 of the North Dakota Century Code, or in the alternative if House Bill No. 1054 is approved by the forty-eighth legislative assembly to repeal subsection 3 of section 26.1-08-03 of the North Dakota Century Code, relating to contracts of reinsurance; and to declare an emergency.

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

HB 1115: A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to disaster response and recovery costs.

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

HB 1309: A BILL for an Act to amend and reenact sections 50-06.2-01, 50-06.2-02, 50-06.2-03, 50-06.2-04, and 50-06.2-05 of the North Dakota Century Code, relating to comprehensive human service programs and to provide funding for programs to prevent or reduce institutional care.

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

HB 1343: A BILL for an Act to amend and reenact sections 38-11.1-05, 38-11.1-08, and 38-11.1-09 of the North Dakota Century Code, relating to notice of oil and gas drilling operations to surface owners, offers of settlement for damages resulting from drilling operations, and legal actions in regard to damages resulting from drilling operations.

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

HB 1360: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to public participation in energy conversion and transmission facility siting.

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

HB 1399: A BILL for an Act to amend and reenact section 57-38-09 of the North Dakota Century Code, relating to exemptions from income tax, the taxation of unrelated income; and to provide an effective date.

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

HB 1453: A BILL for an Act to create and enact section 24-02-26.1 of the North Dakota Century Code, relating to conditions precedent to a contractor demanding arbitration on claims for extra compensation.

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

HB 1455: A BILL for an Act to create and enact five new subsections to section 43-07-01 and eight new sections to chapter 43-07 of the North Dakota Century Code, relating to definitions and prevailing wage standards for government contracts; and to amend and reenact sections 43-07-20, 43-07-21, and 43-07-22 of the North Dakota Century Code, relating to prevailing wage on government contracts; and providing a penalty.

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

HB 1457: A BILL for an Act to amend and reenact subsections 1 and 2 of section 5-02-02 of the North Dakota Century Code, relating to the retail licensing of liquor establishments; and declaring an emergency.

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

HB 1471: A BILL for an Act to amend and reenact section 6-05.1-04 of the North Dakota Century Code, relating to the trust offices of subsidiary trust companies.

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

HB 1502: A BILL for an Act to create and enact a new subsection to section 49-22-08.1 of the North Dakota Century Code, relating to energy conversion and transmission facilities siting; and to amend and reenact subsection 5 of section 49-22-08.1 of the North Dakota Century Code, relating to the designation of a route for a transmission facility by the public service commission.

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

HB 1588: A BILL for an Act to amend and reenact section 57-20-01 and subsection 2 of section 57-26-03 of the North Dakota Century Code, relating to the penalties assessed for delinquent property taxes and redemption from real estate tax sales.

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

HB 1631: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the issuance of game and fish licenses.

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

HB 1707: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-08.2, 57-40.2-02.1, and 57-40.3-02 of the North Dakota Century Code, relating to the rate of sales tax, use tax, and motor vehicle excise tax; to repeal section 57-40.3-03, relating to the motor vehicle excise tax; to provide an effective date; and to declare an emergency.

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

MOTIONS

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

SEN. NOTHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2473, SB 2476, SB 2477, SB 2487, SB 2005, SB 2009, SB 2022, SB 2026, SB 2030, SB 2041, SB 2046, SB 2144, SB 2173, SB 2178, SB 2179, SB 2238, SB 2264, SB 2312, SB 2366, SB 2388, SB 2427, SB 2428, SB 2441, SB 2470, SB 2472, SCR 4029, SCR 4031, HB 1002, HB 1043, HB 1046, HB 1048, HB 1049, HB 1050, HB 1058, HB 1066, HB 1069, HB 1074, HB 1076, HB 1100, HB 1107, HB 1108, HB 1111, HB 1112, HB 1113, HB 1114, HB 1118, HB 1121, HB 1122, HB 1123, HB 1129, HB 1131, HB 1136, HB 1142, HB 1145, HB 1154, HB 1155, HB 1156, HB 1160, HB 1164, HB 1175, HB 1179, HB 1180, HB 1181, HB 1183, HB 1185, HB 1186, HB 1188, HB 1190, HB 1192, HB 1193, HB 1194, HB 1195, HB 1204, HB 1205, HB 1214, HB 1225, HB 1227, HB 1231, HB 1232, HB 1239, HB 1265, HB 1271, HB 1274, HB 1291, HB 1294, HB 1303, HB 1304, HB 1313, HB 1320, HB 1363, HB 1411, HB 1497, HCR 3001, HCR 3003, and HCR 3008, the Senate adjourn and convene at 1:00 p.m., Wednesday, February 16, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary