

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FIFTY-FIRST DAY

Bismarck, March 17, 1983

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

The prayer was offered by Rev. Larry Winter, Immanuel Lutheran Church, Zap.

Let us pray. Kind Heavenly Father, we thank You for another day of grace, another day to experience Your great love and mercy for sinful people. This is the day which You, Lord, have made, and we will rejoice and be glad in it.

We thank You, Creator God, for our land, which, according to Your bountiful provision, provides for us wheat, daily bread, and that which provides for life-sustaining needs.

We thank You, Lord God, for our institutions, especially our institutions of mercy, those who are not as well off as we. Teach us, Lord, to go the second mile for the poor and the handicapped.

May it please You, O Lord God, to bless our state. We thank You, God, for the nineteenth century Dakotah, "alliance with friends." O Lord, in the midst of debate and dialogue, may we, in the spirit of Dakotah, be allied as friends. O God, our prayer is the prayer of King Solomon of old: "Give Your servant a wise and understanding heart to rule Your people."

During this Lenten Season, we thank You, God, that there is no shortfall in Your grace, for Your Son, Jesus Christ, went all the way to the cross, atoning for our sins, paying the taxation for our misdeeds.

Dearest Jesus, the discussion on revenue may never be finished, but we praise You for Your finished work of redemption on Calvary's tree for our sins. Pardon all my iniquities, Lord Jesus. In the name of Jesus, who is my Saviour, Redeemer and King, I pray this prayer. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 Fiftieth 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 return herewith the following which the Senate has passed unchanged:

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

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HCR 3058

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

SCR 4053

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1688, HCR 3084

Very respectfully,  
LEO LEIDHOLM, Secretary

## MESSAGES FROM THE HOUSE

## HOUSE CHAMBER

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

SB 2109

Very respectfully,  
CHARLES FLEMING, Chief Clerk

THURSDAY, MARCH 17, 1983

1565

HOUSE CHAMBER

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

HCR 3089

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2121, SB 2125, SB 2156, SB 2224, SB 2244, SB 2291, SB 2344, SB 2367, SB 2386, SB 2447, and SCR 4043 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2121

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 amend and reenact section 37-18.1-01 and subsection 1 of section 37-18.1-03 of the North Dakota Century Code, relating to the membership on the administrative committee on veterans' affairs and membership of subcommittees of that committee.

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

SECTION 1. AMENDMENT. Section 37-18.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-18.1-01. Administrative committee on veterans' affairs - Membership - Appointment. There is hereby created an administrative committee on veterans' affairs, which, for purposes of this chapter, ~~shall hereinafter be~~ is referred to as the committee. The committee ~~shall consist~~ consists of four ex officio nonvoting members and ~~twelve~~ eleven voting members for calendar year 1983, thirteen voting members for calendar year 1984, and fifteen voting members after calendar year 1984. The adjutant general, the center director of the veterans' administration, the executive director of job service North Dakota, and the director of institutions ~~shall be~~ are the ex

officio nonvoting members who shall serve in an advisory capacity to the committee. On or before June 29, 1971, the American legion, the veterans of foreign wars, the disabled American veterans, and the veterans of World War I, U.S.A., incorporated, shall each prepare a list containing the names of six persons qualifying as veterans under the provisions of section 37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the governor shall select twelve nominees, three from each list, four of whom shall be appointed to a term of three years, four of whom shall be appointed to a term of two years, and four of whom shall be appointed to a term of one year, or until their successors are appointed and qualified. On or before the twentieth day of June in each year, beginning in the year 1972, each of the above-listed nominating organizations, the American legion, the veterans of foreign wars, the disabled American veterans, the Vietnam veterans of America and AMVETS shall each submit a list containing the names of two persons who qualify as veterans under the provisions of section 37-01-40, to the governor for appointment or reappointment as voting members of the committee. On or before the first day of July in first of each year, beginning in the year 1972, the governor shall select one nominee from each list, a total of four five nominees, to fill expiring terms or commenced terms of voting members of the committee. Each such appointment shall be is for a term of three years, or until a successor is appointed and qualified. All terms shall begin on the first day of July first and end on the thirtieth day of June thirtieth in the year specified. In case of the inability or failure of any voting member of the committee to serve, the governor shall appoint another member from a list of two persons qualifying as veterans under the provisions of section 37-01-40, submitted by the nominating organization represented by the member who was unable or failed to serve. Such The appointments shall be made for the remainder of the unexpired term.

SECTION 2. AMENDMENT. Subsection 1 of section 37-18.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The chairman and secretary of the committee, acting jointly, shall appoint from the voting membership of the committee, two subcommittees- a five-member subcommittee to be the respective membership of which shall be the result of division of the administrative committee

such that one subcommittee shall have one or more members than the other subcommittee. The subcommittee with the lesser number of members shall be responsible for supervision and government of the soldiers' home, and a seven-member with the subcommittee to be having the greater number of members being responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member shall continue to serve as long as he remains a voting member of the committee, unless removed from the subcommittee by the committee chairman and secretary, acting jointly. In no case shall any one A voting member may not serve on both subcommittees at the same time, and each nominating organization listed in section 37-18.1-01 shall have at least one voting member nominated by it serving on each subcommittee. From the membership of each subcommittee, a chairman will be selected by majority vote to preside over it for the term of one year. No person shall be permitted to serve as chairman of the committee and as chairman of a subcommittee simultaneously. A majority of the members of the subcommittee shall be required for a quorum, and a majority of the members present voting in favor thereof shall be required for any action."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2125

On page 1 of the engrossed bill, line 12, delete the words  
"or the time of discovery of the facts underlying the  
cause of"

On page 1 of the engrossed bill, line 13, delete the word  
"action"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2156

On page 1, line 28, overstrike the words "operating in"

On page 2, line 1, overstrike the words "this state"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2224

On page 1 of the engrossed bill, line 12, delete the word "six-hour"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2244

On page 5, line 12, delete the word "Such" and insert in lieu thereof the word "A"

On page 5, line 13, delete the first word "shall" and insert in lieu thereof the word "must" and delete the word "such" and insert in lieu thereof the word "a"

On page 5, line 18, delete the word "shall" and insert in lieu thereof the word "must" and delete the word "such" and insert in lieu thereof the word "the"

On page 5, line 25, delete the word "Such" and insert in lieu thereof the word "The"

On page 5, line 26, delete the first word "shall" and insert in lieu thereof the word "must" and delete the second word "shall" and insert in lieu thereof the word "must"

On page 5, line 31, delete the word "shall" and insert in lieu thereof the word "must"

On page 6, line 6, delete the word "or"

On page 6, line 7, delete the word "members"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2291

On page 1, line 26, delete the word "winter"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2344

On page 1 of the engrossed bill, line 11, delete the word "July" and insert in lieu thereof the word "January"

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

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2367

On page 1, line 1, delete the word "felon" and insert in lieu thereof the word "person" and after the word "court" insert the words "on a felony charge"

On page 1, line 7, delete the word "felon" and insert in lieu thereof the word "person"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2386

On page 1 of the engrossed bill, line 13, delete the word "less" and insert in lieu thereof the word "fewer"

On page 1 of the engrossed bill, line 15, delete the word "approval" and insert in lieu thereof the word "approve"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2447

On page 3 of the engrossed bill, line 4, after the word "may" insert the word "annually" and after the word "the" insert the words "principal balance of the"

On page 3 of the engrossed bill, line 5, overstrike the word "annually" and insert immediately thereafter the words "from the revolving fund"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SCR 4043

On page 1, line 5, after the second comma insert the words "Board of University and School Lands,"

On page 1, line 13, after the third comma insert the words "Board of University and School Lands,"

On page 1, line 26, after the first comma insert the words "Board of University and School Lands,"

And renumber the lines accordingly

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### REPORT 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 enrolled:

SB 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,  
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,  
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,  
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,  
SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,  
SCR 4039, SCR 4042, SCR 4048, SCR 4050

SEN. FRITZELL, Chairman

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

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,  
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,  
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,  
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,  
SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,  
SCR 4039, SCR 4042, SCR 4048, SCR 4050

LEO LEIDHOLM, Secretary

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill to establish a life and health insurance guaranty association and has approved its introduction by a unanimous vote.

SEN. NELSON, Chairman

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

#### FIRST READING OF A SENATE BILL

Sens. Todd, Tallackson introduced:

(Approved by the Committee on Delayed Bills)

SB 2499: A BILL for an Act to establish a life and health insurance guaranty association.

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined two concurrent resolutions, one directing the



Legislative Council to study taxation of pipeline property owned by public and private carriers for transportation of crude oil, gas and refined petroleum products, and a resolution directing the Legislative Council to study taxes, fees, and charges imposed on insurance companies, and has approved their introduction by a unanimous vote.

SEN. NELSON, Chairman

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Nething, Redlin and Reps. Backes, Strinden introduced:

(Approved by the Committee on Delayed Bills)

SCR 4056: A concurrent resolution directing the Legislative Council to study taxes, fees, and charges imposed on insurance companies, the effect of taxes, fees, and charges on the costs of providing or receiving health care insurance coverage, the effect of overutilization of health care insurance and potential methods of cost containment for health care coverage.

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

Sen. Goodman introduced:

(Approved by the Committee on Delayed Bills)

SCR 4057: A concurrent resolution directing the Legislative Council to study taxation of pipeline property owned by public and private carriers for transportation of crude oil, natural gas, processed gas, manufactured gas, and refined petroleum products.

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

#### RECOGNITION

SEN. NETHING MOVED that a committee of two be appointed to escort Honorable Allen I. Olson and Honorable Al Quie to the rostrum, which motion prevailed.

The President appointed as such committee, Senators Kilander and Stenehjem.

Governor Olson and Governor Quie was escorted to the rostrum and addressed the Assembly.

#### MOTION

SEN. NETHING MOVED that the remarks of Honorable Governor Olson and Honorable Al Quie be printed in the Journal, which motion prevailed.

President Sands introduced North Dakota's First Lady, Mrs. Barb Olson, and Mrs. Al Quie to the Assembly.

REMARKS OF  
HONORABLE GOVERNOR ALLEN I. OLSON

Ladies and Gentlemen of the Senate: I get a chance to see you every few weeks and when we have distinguished visitors to the state of North Dakota I appreciate the opportunity.

Today, I think you know who is with us, the former governor of our sister state of Minnesota. He is over here attracting business for Minnesota. He wanted to stop and see us for a few minutes.

No, Al Quie is with us, he came for the primary purpose of serving as the main speaker this morning at the Governor's Prayer Breakfast. A number of you were there to hear his words. He is an old friend of ours, especially of the legislative process. He started his political career in the Minnesota legislature. He continued it for twenty years in the United States Congress. He returned to his native state of Minnesota in 1978, ran for governor, was successful, achieved the Governor's office and a couple of years later he found the difficulties that North Dakota is finding today, of matching spending to taxing and grappled with that basic issue of government for a couple of years, has decided to relax this year.

He tells us that he is going to ride to the Rocky Mountains from the Canadian border to the Mexican border. As you might gather, one of his favorite pastimes is sportsmanship and riding. After that he will continue his contribution to his country, his region, and his state.

Will you join with me in welcoming Governor Al Quie.

REMARKS OF  
GOVERNOR AL QUIE

Thank you very much Governor Olson and members of the North Dakota State Senate.

As I look at you, I can't help but be filled with nostalgia, because it was in the Minnesota State Senate that I began my political career in government and those were really great days. It was 1955, the first session, and as you know from 1955 and on the economy compared to now was doing pretty good, but we have difficulty at the present time. So, as I come here before you, I recognize as Governor Olson indicated, we ran into some shortfalls in Minnesota. So, when I saw in the paper when I came in, forty million dollars, it seems kind of small to what we went through for this little farm boy going out to New York to borrow four hundred and fifty million dollars after we had borrowed four hundred million dollars. That was something I had never expected I would ever have to do.

As I indicated to those of you who were at lunch, when you are in these tough economic times, it really puts you to the test, and you, as legislators, will also go through this, as your Governor.

You'll be tested, and I think will feel the sense of accomplishment to have weathered it. It'll even be greater than if times were really easy for you.

Let me share with you a little of experience. I've talked about it at a farewell address I gave to Minnesota.

One of the things I've noticed in Minnesota was that partisanship at times got in the way of doing what was best for the state. I recognize the coming election, those of one political party want to be able to best the other political party so they can be in power and control. That's what it's all about. But, we were able, in the last year that I was in office to overcome that. In fact, in two budget difficulties, we resolved the differences as amicably as possible to do. And, I look back on it and say this is really for one reason, and that is the hatchet was buried between myself and the legislative leaders.

You have a different political arrangement in North Dakota with the Senate controlled by the Republicans, with the House controlled by the Democrats. In Minnesota both the House and Senate were controlled by the Democrat Farm and Labor Party, and so those two individuals had the control through their majority and were able to build a trust relationship between us and sit down and resolve and work out those differences, so, nobody really remembers anymore, those two budget difficulties. They only remember when we went month after month without resolving the difficulty because of the finger-pointing and the blame tossing between the group.

I just wanted to share with you that in leaving office, that was a great year. A great year when the differences were bridged and we resolved what was best for the state of Minnesota. I believe what it takes is really a spiritual connection because we are different political parties. We are different from what we come from, but in a spiritual sense is the unity. To me one of the most exciting spiritual events that occurred in my time was when Anwar Sadat left his country and went to the Knesset and spoke there, and put together a closer unity between Egypt and Israel than had existed between those two countries. It really was the one person giving of himself and taking that politically dangerous step, and at times, it is necessary to take that politically dangerous step ourselves. But, as you do it, I want to assure you that the state of North Dakota is going to benefit because of it, and I encourage you to take the risk. Thank you.

#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1021 as recommended by the Committee on Appropriations as printed on pages 1547 and 1548 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1024 as recommended by the Committee on Appropriations as printed on pages 1548 and 1549 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1027 as recommended by the Committee on Appropriations as printed on page 1549 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1079 as recommended by the Committee on Appropriations as printed on pages 1550 and 1551 of the Senate Journal be adopted, which motion prevailed. HB 1079 has committee recommendation of DO NOT PASS.

SEN. NOTHING MOVED that the amendments to HB 1369 as recommended by the Committee on Agriculture as printed on pages 1551-1554 of the Senate Journal be laid over one legislative day, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1417 as recommended by the Committee on Finance and Taxation as printed on page 1554 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1421 as recommended by the Committee on Appropriations as printed on page 1555 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1439 as recommended by the Committee on Appropriations as printed on pages 1555 and 1556 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1443 as recommended by the Committee on Finance and Taxation as printed on pages 1556-1558 of the Senate Journal be adopted, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1641 as recommended by the Committee on Agriculture as printed on page 1559 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1705 as recommended by the Committee on Transportation as printed on pages 1559 and 1560 of the Senate Journal be adopted, which motion prevailed. HB 1705 has committee recommendation of DO NOT PASS.

SEN. PETERSON MOVED that the amendments to HB 1724 as recommended by the Committee on Education as printed on pages 1560 and 1561 of the Senate Journal be adopted, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

SEN. KRAUTER: 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: Yesterday, an incident occurred behind the rail which reflected on this body and on the corps of lobbyists that work with us. In order to ensure that such an event never

happens again, I want to bring it to this body's attention. Probably the lobbyist involved is still living in the past when the seats behind the rail were reserved for lobbyists. That is no longer the case.

In any event, two ladies were asked to relinquish their seats to a lobbyist who told them that he had previously been sitting there. The ladies were the spouses of members of this body, and if anyone should have relinquished a seat, it should have been the lobbyist, out of courtesy. Chivalry may be dead, but so are some of the privileges previously allocated to lobbyists.

#### REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully reports that the following bills were delivered to the Governor for his approval at the hour of 1:52 p.m., March 17, 1983:

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully reports that the following bills were delivered to the Secretary of State for his filing at the hour of 1:50 p.m., March 17, 1983:

SCR 4033, SCR 4047

SEN. FRITZELL, Chairman

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

#### SECOND READING OF A SENATE BILL

SB 2495: A BILL for an Act relating to the margin of approval required for approval of mill levies in certain school districts; and to provide an expiration date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 38 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Fritzell; Goodman; Holmberg; Kilander; Lips; Lodoen; Nething; Olson; Peterson; Reiten; Stenehjelm; Tennefos; Todd; Wenstrom; Wright

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;

Lee; Leibhan; Maixner; Matchie; Meyer, D.; Meyer, J.;  
 Moore; Mutch; Naaden; Nelson; Parker; Redlin; Satrom;  
 Streibel; Stromme; Tallackson; Thane; Tweten; Vosper;  
 Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2495 was declared lost.

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#### MOTIONS

SEN. WENSTROM MOVED that SCR 4003 be laid over one legislative day, which motion prevailed.

SEN. NOTHING MOVED that SB 1712 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1712: A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to taxes on sales of cigarettes; to provide an effective date; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: David

ABSENT AND NOT VOTING: Barth

HB 1712 passed, the title was agreed to, and the emergency clause carried.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1712 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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CONSIDERATION OF MESSAGE FROM HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2122 as printed on page 1494 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2122:

Sens. Holmberg, Christensen, Maixner

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2422 as printed on page 1494 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2422:

Sens. Olson, Stenehjem, Lashkowitz

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

SB 2122: Sens. Holmberg, Christensen, Maixner

SB 2422: Sens. Olson, Stenehjem, Lashkowitz

Very respectfully,

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1712

Very respectfully,

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

HB 1706: A BILL for an Act to create and enact a new section to chapter 57-60 and a new section to chapter 61-04 of the North Dakota Century Code, relating to a coal conversion privilege tax credit and to the establishment of an industrial use fee for use of water from the Missouri River.

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 18 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Hilken; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Barth

HB 1706 was declared lost.

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HB 1182: A BILL for an Act to create and enact a new subsection to section 39-06-02 of the North Dakota Century Code, relating to residency for driver's license matters; and to amend and reenact subsection 1 of section 39-06-03.1 and section 39-06-19 of the North Dakota Century Code, relating to the issuance of a nondriver photo identification card at age sixteen and the renewal of drivers' licenses.

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; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; 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; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Stromme; Vosper

HB 1182 passed and the title was agreed to.



## MOTION

SEN. NETHING MOVED that the vote by which HB 1182 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1246: A BILL for an Act to provide for a foster care parent grievance procedure.

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, 4 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Kusler; Olson; Peterson; Streibel

ABSENT AND NOT VOTING: Barth; Maixner; Stromme; Vosper

HB 1246 passed and the title was agreed to.

## MOTION

SEN. NETHING MOVED that the vote by which HB 1246 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1404: A BILL for an Act to provide for the licensure of occupational therapists and occupational therapy assistants; and to provide a penalty.

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 43 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;

Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjøm; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Moore; Mutch; Naaden; Nelson; Nething; Olson; Streibel

ABSENT AND NOT VOTING: Tweten

HB 1404 passed and the title was agreed to.

#### MOTION

SEN. NETHING MOVED that the vote by which HB 1404 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1408: A BILL for an Act to create and enact a new subsection to section 43-17-31 of the North Dakota Century Code, relating to the grounds for revocation or suspension of a physician's license; to amend and reenact section 25-02-04 of the North Dakota Century Code, relating to the licensure of physicians on the professional staff of the state hospital; and to repeal section 43-17-23 of the North Dakota Century Code, relating to recording physician's licenses in registry of deeds.

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; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; 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; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod

HB 1408 passed and the title was agreed to.

## MOTION

SEN. NETHING MOVED that the vote by which HB 1408 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1445: A BILL for an Act to create and enact a new section to chapter 62-04 of the North Dakota Century Code, relating to regulation of firearms and ammunition.

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, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; 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: Lashkowitz; Matchie; Meyer, J.

ABSENT AND NOT VOTING: Goodman

HB 1445 passed and the title was agreed to.

## MOTION

SEN. NETHING MOVED that the vote by which HB 1445 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1447: A BILL for an Act to redefine "developmentally disabled person" and to require residential zoning for group homes for developmentally disabled persons in counties, cities, and townships.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Goodman

HB 1447 passed and the title was agreed to.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1447 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1458: A BILL for an Act to create and enact section 15-53.1-05.2 of the North Dakota Century Code, relating to public school district annexation; and to amend and reenact sections 15-53.1-01, 15-53.1-05.1, 15-53.1-06, 15-53.1-07, 15-53.1-08, 15-53.1-16, 15-53.1-17, 15-53.1-18, 15-53.1-19, 15-53.1-20, 15-53.1-21, 15-53.1-22, 15-53.1-25, 15-53.1-29, 15-53.1-30, 15-53.1-37, 15-53.1-38, 15-53.1-39, 15-53.1-41, and 15-53.1-42 of the North Dakota Century Code, relating to public school district annexation, reorganization, and dissolution; and to repeal section 15-53.1-10 of the North Dakota Century Code, relating to the state committee for the reorganization of school districts; and to declare 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, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; 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: Leibhan

ABSENT AND NOT VOTING: Goodman

HB 1458 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1458 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1518: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new chapter to title 57 of the North Dakota Century Code, relating to a sales tax exemption for the gross receipts from sales of aircraft and the creation of an aircraft excise tax; to amend and reenact section 2-05-03 of the North Dakota Century Code, authorizing the director of aeronautics to act as the agent of the state tax commissioner for purposes of enforcement of the aircraft excise tax; to provide a penalty; and to provide an effective date.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1518 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that the vote by which HB 1518 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1523: A BILL for an Act to amend and reenact sections 38-08-09.4 and 38-08-09.8 of the North Dakota Century Code, relating to unitization of oil and gas under the control and regulation of the industrial commission.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; 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: None

HB 1523 passed and the title was agreed to.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1523 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1718: A BILL for an Act to provide for the establishment of minimum prices for the marketing of raw agricultural commodities; and to provide an expiration date.

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 20 YEAS, 33 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg;

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Kilander; Lee; Lips; Lodoen; Meyer, D.; Moore; Mutch;  
Naaden; Nelson; Nething; Olson; Parker; Peterson;  
Reiten; Stenehjelm; Streibel; Stromme; Tennefos; Thane;  
Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1718 was declared lost.

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#### MOTIONS

SEN. HEIGAARD MOVED that the Senate reconsider the action whereby HB 1478 passed, which motion lost on a division vote.

SEN. NETHING MOVED that all the bills that were on the Sixth order today be placed directly behind HCR 3080 on the Fourteenth order of business for tomorrow, which motion prevailed.

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

LEO LEIDHOLM, Secretary

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SCR 4054 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 1, delete the word "federal"

On page 2, line 18, after the word "intermediate" insert the word "long-term"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SCR 4054 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 HB 1001 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1001 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1004 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1004 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1005 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1005 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1006 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1006 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1007 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1007 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1008 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 14, delete the numerals "337,130" and insert in lieu thereof the numerals "357,130"

On page 1 of the engrossed bill, line 16, delete the numerals "1,673,111" and insert in lieu thereof the numerals "1,693,111"

On page 1 of the engrossed bill, line 17, delete the numerals "938,301" and insert in lieu thereof the numerals "958,301"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:



The operating expenses of the Division of Independent Study are increased by \$20,000 from other funds to cover direct costs occurring because of increased enrollments.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1008 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 HB 1009 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1009 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1010 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, after the word "Dakota" and before the period insert the words "and providing for state employee salary limitations"

On page 1 of the engrossed bill, line 15, delete the numerals "11,151,271" and insert in lieu thereof the numerals "11,126,271"

On page 1 of the engrossed bill, line 18, delete the numerals "5,897,125" and insert in lieu thereof the numerals "5,802,125"

On page 1 of the engrossed bill, line 19, delete the numerals "29,999,600" and insert in lieu thereof the numerals "29,879,600"

On page 1 of the engrossed bill, line 21, delete the numerals "8,947,706" and insert in lieu thereof the numerals "8,827,706"

On page 1 of the engrossed bill, after line 28, insert the following new section:

**"SECTION 3. ALL STATE EMPLOYEES - COMPENSATION ADJUSTMENTS - LIMITATIONS.** Appropriations for salaries and wages for the 1983-85 biennium for all state departments, agencies, and institutions include

authority for average compensation adjustments to employees of three percent for the fiscal year beginning July 1, 1984. Any moneys appropriated for salaries and wages which provide compensation adjustments in excess of compensation adjustments provided in this section, except for the payment of medical insurance, shall not be spent and shall revert to the general fund on July 30, 1985. No increases are included for the year ending June 30, 1984. Moneys for the three percent compensation adjustments for the second year of the biennium shall only become available in full if the unobligated general fund balance at the end of the biennium, taking into consideration these compensation adjustments, is estimated in June 1984 by the office of management and budget to be at least \$50,000,000 on June 30, 1985. If in June 1984 the office of management and budget estimates there will be insufficient moneys in the general fund to pay the three percent compensation adjustment and maintain a \$50,000,000 unobligated end-of-biennium general fund balance, the compensation adjustment to achieve that balance shall be reduced to a lesser percentage in accordance with office of management and budget guidelines. Compensation adjustment levels established for employees paid from the general fund also apply to employees paid from other funds."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The Senate is limiting the expenditure of salaries and wages increases to a three percent increase for the year beginning July 1, 1984. Salaries and wages in the line item have not been reduced from four percent on July 1, 1983, to a contingent increase of three percent on July 1, 1984, because the final policy for state employees salaries has not been agreed upon. In the event that salary and wages line items are not amended to authorized levels pursuant to conference committee agreements, any compensation adjustments in excess of that authorized may not be spent and shall revert to the general fund on July 30, 1985.

SEN. LIPS, Chairman

HB 1010 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 HB 1013 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 17, delete the numerals "383,837" and insert in lieu thereof the numerals "300,000"

On page 1 of the engrossed bill, line 19, delete the numerals "776,859" and insert in lieu thereof the numerals "693,022"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The Native American alcohol and drug abuse education line item of the Indian Affairs Commission is reduced by \$83,837 from the general fund to provide a \$300,000 level of funding for this program.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1013 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 HB 1016 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 13, delete the numerals "280,870" and insert in lieu thereof the numerals "299,070"

On page 1 of the engrossed bill, line 14, delete the numerals "92,980" and insert in lieu thereof the numerals "96,580"

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

"Data processing 1,550"

On page 1 of the engrossed bill, line 15, delete the numerals "4,000" and insert in lieu thereof the numerals "14,350"

On page 1 of the engrossed bill, line 18, delete the numerals "3,872,850" and insert in lieu thereof the numerals "3,906,550"

On page 1 of the engrossed bill, line 19, delete the numerals "2,768,272" and insert in lieu thereof the numerals "2,778,272"

On page 1 of the engrossed bill, line 20, delete the numerals "1,104,578" and insert in lieu thereof the numerals "1,128,278"

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The following increases are made to the Aeronautics Commission's appropriation to provide funds for administering the aircraft excise tax created by House Bill No. 1518:

- An \$18,200 general fund increase in salaries and wages for one clerk III to be employed for 18 months of the biennium.
- A \$3,600 general fund increase in operating expenses.
- A \$1,550 increase from other funds for data processing.
- A \$10,350 increase in equipment, which includes an \$8,450 increase from other funds for a microcomputer and printer and a \$1,900 general fund increase for other equipment.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1016 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 HB 1017 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1017 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1018 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 3, after the word "Dakota" and before the period insert the words "and providing for state employee salary limitations"

On page 1 of the engrossed bill, after line 24, insert the following new section:

**"SECTION 3. ALL STATE EMPLOYEES - COMPENSATION ADJUSTMENTS - LIMITATIONS.** Appropriations for salaries and wages for the 1983-85 biennium for all state departments, agencies, and institutions include authority for average compensation adjustments to employees of three percent for the fiscal year beginning July 1, 1984. Any moneys appropriated for salaries and wages which provide compensation adjustments in excess of compensation adjustments provided in this section, except for the payment of medical insurance, shall not be spent and shall revert to the general fund on July 30, 1985. No increases are included for the year ending June 30, 1984. Moneys for the three percent compensation adjustments for the second year of the biennium shall only become available in full if the unobligated general fund balance at the end of the biennium, taking into consideration these compensation adjustments, is estimated in June 1984 by the office of management and budget to be at least \$50,000,000 on June 30, 1985. If in June 1984 the office of management and budget estimates there will be insufficient moneys in the general fund to pay the three percent compensation adjustment and maintain a \$50,000,000 unobligated end-of-biennium general fund balance, the compensation adjustment to achieve that balance shall be reduced to a lesser percentage in accordance with office of management and budget guidelines. Compensation adjustment levels established for employees paid from the general fund also apply to employees paid from other funds."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment includes a new section which provides a limitation on state employee compensation. The section provides that any moneys appropriated for salaries and wages which provide compensation adjustments in excess of the contingent three percent increase provided for the fiscal year beginning July 1, 1984, except for the payment of medical insurance, shall revert to the general fund on July 30, 1985.

The Senate is limiting the expenditure of salaries and wages increases to three percent increases for the year

beginning July 1, 1984. Salaries and wages increases in the line item have not been reduced from four percent on July 1, 1983, to a contingent increase of three percent on July 1, 1984, because the final policy for state employee salaries has not been agreed upon. In the event that salary and wages line items are not amended to authorized levels pursuant to conference committee agreements, any compensation adjustments in excess of that authorized may not be spent and shall revert to the general fund on July 30, 1985.

SEN. LIPS, Chairman

HB 1018 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 HB 1020 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1020 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1025 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 15, delete the numerals "1,297,676" and insert in lieu thereof the numerals "1,313,676"

On page 1 of the engrossed bill, line 17, delete the numerals "2,330,224" and insert in lieu thereof the numerals "2,346,224"

On page 1 of the engrossed bill, line 18, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,357,577"

On page 1 of the engrossed bill, line 19, delete the numerals "995,647" and insert in lieu thereof the numerals "988,647"

On page 1 of the engrossed bill, line 27, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,357,577"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The operating expenses line item is increased by \$23,000 from other funds to reinstate funds to allow the Economic

Development Commission to contract with Pride Industries to prepare tourism packets. Operating expenses are decreased by \$7000 from the general fund since moneys in the appropriation for rent can be reduced because the commission will be moving to the Capitol grounds.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1025 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 HB 1028 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 15, delete the numerals "2,374,113" and insert in lieu thereof the numerals "2,438,951"

On page 1 of the engrossed bill, line 19, delete the numerals "13,767,511" and insert in lieu thereof the numerals "13,832,349"

On page 1 of the engrossed bill, line 20, delete the numerals "4,367,674" and insert in lieu thereof the numerals "4,432,512"

On page 2 of the engrossed bill, line 18, delete the numerals "4,045,212" and insert in lieu thereof the numerals "4,110,050"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

To increase the operating expenses line item of the Highway Patrol by \$64,838 from the State Highway Fund for Truck Regulatory positions which were transferred from the Highway Department. This amount was inadvertently omitted from both the Highway Patrol and Highway Department budgets.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1028 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 HB 1029 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 13, delete the numerals "52,093,661" and insert in lieu thereof the numerals "52,438,069"

On page 1 of the engrossed bill, line 14, delete the numerals "41,591,389" and insert in lieu thereof the numerals "50,792,089"

On page 1 of the engrossed bill, line 15, delete the numerals "1,251,966" and insert in lieu thereof the numerals "1,547,266"

On page 1 of the engrossed bill, line 16, delete the numerals "6,299,567" and insert in lieu thereof the numerals "6,439,217"

On page 1 of the engrossed bill, line 17, delete the numerals "2,855,150" and insert in lieu thereof the numerals "3,589,150"

On page 1 of the engrossed bill, line 20, delete the numerals "348,958,793" and insert in lieu thereof the numerals "359,672,851"

On page 1 of the engrossed bill, line 21, delete the numerals "348,840,345" and insert in lieu thereof the numerals "359,554,403"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### State Highway Department

Salaries and wages are increased by \$344,408 from other funds to provide \$24,536 for one existing secretary position deleted in the executive budget and \$319,872 for four hearing officers, two clerical positions, and one program director necessary to carry out the provisions of Senate Bill No. 2373 relating to violations of operating motor vehicles including driving while intoxicated.

The operating expenses are increased by \$9,200,700 from other funds to provide \$200,700 to carry out the provisions of Senate Bill No. 2373 and \$9,000,000 to carry out the provisions of Senate Bill No. 2062, relating to the



creation of a central management system for state motor vehicles.

Data processing is increased by \$295,300 from other funds, equipment is increased by \$139,650 from other funds, and grants are increased by \$734,000 from other funds to provide funds to carry out the provisions of Senate Bill No. 2373.

The cost of implementing the provisions of Senate Bill No. 2373 is expected to be funded as follows: \$714,058 from federal funds (subject to eligibility), and \$1 million from funds estimated to be collected due to a \$25 fee for reinstatement of driver's licenses.

Other than for the above increases, the salaries and wages are not changed by this amendment. However, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1029 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 HB 1030 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 14, delete the numerals "384,948" and insert in lieu thereof the numerals "357,903"

On page 1 of the engrossed bill, line 15, delete the numerals "119,960" and insert in lieu thereof the numerals "108,107"

On page 1 of the engrossed bill, line 16, delete the numerals "4,255" and insert in lieu thereof the numerals "1,400"

On page 1 of the engrossed bill, line 17, delete the numerals "509,163" and insert in lieu thereof the numerals "467,410"

On page 1 of the engrossed bill, line 18, delete the numerals "205,845" and insert in lieu thereof the numerals "214,941"

On page 1 of the engrossed bill, line 19, delete the numerals "303,318" and insert in lieu thereof the numerals "252,469"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Transportation Institute

The salaries and wages line item is reduced by \$27,045 from the general fund to delete funds provided by the House for a half-time clerk-typist and other temporary salaries.

The operating expenses line item is reduced by \$11,853 from the general fund to delete funds provided by the House for additional travel.

The equipment line item is reduced by \$2,855 from the general fund to delete additional funds provided by the House.

In addition to these changes, the general fund appropriation is reduced by \$9,096 to delete funds provided by the House and the estimated income line item is increased by \$9,096.

Other than for the above reduction, the salaries and wages line item is not changed by this amendment. However, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1030 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 HB 1033 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 4, after the word "Dakota" and before the period insert the following words: "; and to amend and reenact section 54-44.3-20 of the North Dakota Century Code relating to exemptions of the North Dakota mill and elevator association employees from the classified service of state government"

On page 2 of the engrossed bill, line 6, delete the numerals "7,859,742" and insert in lieu thereof the numerals "7,926,742"

On page 2 of the engrossed bill, line 10, delete the numerals "13,593,231" and insert in lieu thereof the numerals "13,660,231"

- On page 2 of the engrossed bill, line 22, delete the numerals "35,698,568" and insert in lieu thereof the numerals "35,765,568"
- On page 2 of the engrossed bill, line 23, delete the numerals "35,698,568" and insert in lieu thereof the numerals "35,765,568"
- On page 2 of the engrossed bill, after line 33, insert the following new section:

"SECTION 4. AMENDMENT. Section 54-44.3-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.3-20. Categories of positions in the state service. All positions in the state service are included in the classified service except:

1. Each official elected by popular vote and each person appointed to fill vacancies in an elective office, one principal assistant, and one private secretary.
2. Members of boards and commissions required by law.
3. Administrative heads of departments required by law.
4. Officers and employees of the legislative branch of government.
5. Members of the judicial branch of government of the state of North Dakota and their employees and jurors.
6. Persons temporarily employed in a professional or scientific capacity as consultants or to conduct a temporary and special inquiry, investigation, or examination for the legislative branch of government or a department of the state government.
7. Officers and members of the teaching staff of universities and other institutions of higher education.
8. Positions deemed to be inappropriate to the classified service due to the special nature of the position as determined by the division and approved by the board.

9. The classified employees at the institutions of higher education under the control of the state board of higher education, until July 1, 1976.
10. Members and employees of occupational and professional boards.
11. Officers and employees of the North Dakota mill and elevator association."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Mill and Elevator Association are increased by \$67,000 from other funds to provide an additional \$54,600 for health insurance and an additional \$12,400 for workmen's compensation costs.

The new section to engrossed House Bill No. 1033 exempts the employees of the North Dakota Mill and Elevator Association from the classified service of state government.

Other than for the above increase to the Mill and Elevator Association, the salaries and wages line items are not changed by this amendment. However, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1033 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 HB 1034 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1034 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1035 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 14, delete the numerals "529,495" and insert in lieu thereof the numerals "729,495"

On page 1 of the engrossed bill, line 18, delete the numerals "1,126,861" and insert in lieu thereof the numerals "1,326,861"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Operating expenses of the Teachers' Fund for Retirement are increased by \$200,000 to provide funds for investment money manager fees.

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1035 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 HB 1037 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 14, delete the numerals "2,721,254" and insert in lieu thereof the numerals "2,749,327"

On page 1 of the engrossed bill, line 19, delete the numerals "4,083,247" and insert in lieu thereof the numerals "4,111,320"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Workmen's Compensation Bureau is increased by \$28,073 to restore funds for a Deputy Administrator rather than an Accountant III position.

Other than the above increase the salaries and wages line item is not changed by this amendment, although the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SEN. LIPS, Chairman

HB 1037 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 HB 1052 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 3, delete the word "and", and after the word "date" and before the period insert the words "; and to declare and emergency"
- On page 1 of the engrossed bill, line 23, delete the word "forty" and insert in lieu thereof the word "twenty-five", and after the word "determined" insert the words "by the agricultural economics department at North Dakota state university"
- On page 1 of the engrossed bill, line 24, overstrike the words "which would be produced if the"
- On page 1 of the engrossed bill, line 25, overstrike the words "land were used for the growing of hay" and insert immediately thereafter the words "based upon the animal unit carrying capacity of the land"
- On page 2 of the engrossed bill, line 16, remove the overstrike over the numbers "~~1983~~" and delete the numbers "1985"
- On page 2 of the engrossed bill, line 17, after the word "~~five-year~~" insert the words "rate which is one-half of one percentage point below a"
- On page 2 of the engrossed bill, line 28, remove the overstrike over the numbers "~~1983~~"
- On page 2 of the engrossed bill, line 29, delete the numbers "1984 and 1985"
- On page 2 of the engrossed bill, line 34, after the word "basis" insert the words ", to compute the average agricultural value per acre for cropland and noncropland, which is agricultural land, for each county,"
- On page 3 of the engrossed bill, line 1, delete the words "The information provided will show the county-wide"
- On page 3 of the engrossed bill, delete line 2 and insert in lieu thereof the following sentence: "Computations of the average agricultural value per acre shall be subject to the approval of the state board of equalization."

On page 3 of the engrossed bill, line 4, overstrike the words "this estimate" and insert immediately thereafter the words "these estimates"

On page 3 of the engrossed bill, line 32, delete the numbers "1984" and insert in lieu thereof the numbers "1983"

On page 3 of the engrossed bill, after line 32, insert the following new section:

"SECTION 3. 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 and pages accordingly

SEN. GOODMAN, Chairman

HB 1052 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 HB 1053 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, delete lines 9 through 28 and insert in lieu thereof the following:

"Protection of taxpayers and taxing districts. Each taxing district may levy the amount in dollars as certified in the budget by the governing body, three percent more than the amount levied in dollars in the prior year, or the amount levied in dollars in the prior year plus an amount equal to the sum determined by application of any mill levies authorized by law but not levied in the taxing district for the prior year plus any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year in that taxing district, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts provided in this section.
2. For taxing districts which elect to levy three percent more than the amount levied in dollars in the prior year the governing body of the taxing district must specifically approve by resolution the levy of the additional percentage and, before adding the increase, the dollar amount

levied in the prior year which is used as a base amount shall be:

- a. Reduced by an amount equal to the sum determined by the application of the mill levies for that taxing district to the final taxable valuation of any property which is removed from the assessment rolls of that taxing district after the prior year but was included in the assessment for the prior year.
  - b. Increased by an amount equal to the sum determined by the application of the mill levies for that taxing district to the taxable valuation of any taxable property which was not taxable in the prior year or was omitted from the assessment rolls for that year but which is included in the assessment for the current year.
  - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
3. A taxing district may levy an amount in dollars equal to the amount levied in the prior year plus an amount equal to the sum determined by the application of any mill levies authorized by law but not levied by the governing body of the taxing district for the prior year and any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year to the taxable valuation of the taxable property in that taxing district but a taxing district electing to increase its levy under this subsection may not add the percentage increase permitted by this section to the amount levied pursuant to this subsection.
4. A taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district after the effective date of this Act, but the three percent increase over the prior year's levies authorized by this section shall not be applied to any increase authorized by this subsection."



On page 2 of the engrossed bill, delete lines 1 through 18

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

HB 1053 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 HB 1063 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1063 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1084 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 5, delete the word "filing" and insert in lieu thereof the word "recording"

On page 1 of the engrossed bill, line 9, after the word "requires" insert a comma

On page 1 of the engrossed bill, line 12, after the word "otherwise" and before the period insert the words "owned by a person other than the owner of the surface estate"

On page 1 of the engrossed bill, line 13, delete the word "Filing" and insert in lieu thereof the word "Recording"

On page 1 of the engrossed bill, line 15, delete the word "filed" and insert in lieu thereof the word "recorded"

On page 2 of the engrossed bill, line 3, delete the words "filed of record" and insert in lieu thereof the word "recorded"

On page 2 of the engrossed bill, line 7, delete the words "to an order or an agreement"

On page 2 of the engrossed bill, line 8, delete the words "filed of record" and insert in lieu thereof the word "recorded"

- On page 2 of the engrossed bill, line 13, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 18, delete the word "Filing" and insert in lieu thereof the word "Recording"
- On page 2 of the engrossed bill, line 20, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 24, delete the word "file" and insert in lieu thereof the word "record"
- On page 2 of the engrossed bill, line 30, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 33, delete the first word "filing" and insert in lieu thereof the word "recording", and delete the second word "filing" and insert in lieu thereof the word "recording"
- On page 3 of the engrossed bill, line 1, delete the first word "file" and insert in lieu thereof the word "record", and delete the second word "file" and insert in lieu thereof the word "record"
- On page 3 of the engrossed bill, delete lines 8 through 12
- On page 3 of the engrossed bill, line 16, delete the words "or within sixty days after receiving"
- On page 3 of the engrossed bill, delete line 17
- On page 3 of the engrossed bill, line 18, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 4 of the engrossed bill, line 2, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 4 of the engrossed bill, line 3, delete the word "shall" and insert in lieu thereof the word "is"
- On page 4 of the engrossed bill, line 4, delete the word "be"
- And renumber the lines, subsections, and pages accordingly  
SEN. GOODMAN, Chairman

HB 1084 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 HB 1165 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 a new section to chapter 51-04 of the North Dakota Century Code, relating to the licensure of transient merchants; and to amend and reenact sections 51-04-02, 51-04-03, and 51-04-07 of the North Dakota Century Code, relating to the licensure of transient merchants; and to repeal section 51-04-02.1 of the North Dakota Century Code, relating to applications for multicounty transient merchant licenses.

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

SECTION 1. AMENDMENT. Section 51-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-02. Application for license. Any transient merchant desiring to engage in, do, or transact business by auction or otherwise, in any county in this state, shall file an application for a license for that purpose with the auditor of that county, or with the attorney general as provided in section ~~51-04-02.1~~ 51-04-07, which shall be in writing and include the following:

1. Applicant's name, present residence, present home address, ~~and~~ present business address, and current telephone numbers.
2. Applicant's residence and business address for the prior two-year period, if different from the present residence and address.
3. Type of business in which applicant has been engaged in the previous two years.
4. Proposed location of the business to be licensed.
5. Kind of business to be conducted.

6. Length of time desired or estimated for completion of sale in the county state.
7. Name and address of the auctioneer, if any, who will conduct the sale.
8. An itemized list of merchandise to be offered for sale reciting as to each item a description thereof including serial number, if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.

SECTION 2. AMENDMENT. Section 51-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-03. License fee - Bond or cash surety - License issuance. An applicant for a transient merchant's license shall pay to the treasurer of the county of application attorney general a license fee of twenty-five dollars and shall give a surety bond, or the deposit of cash in lieu thereof, ~~to the county in an amount to be determined by the county treasurer~~ which shall be not less than one thousand dollars nor more than twenty fifty thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The contents and surety therein shall be subject to the approval of the county treasurer attorney general, and be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned upon full compliance with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. The bond shall not be revocable nor terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the county auditor attorney general.

The county treasurer shall issue to the applicant receipts for the foregoing payments and when the applicant files these receipts, and his application, with the county auditor, the auditor may issue to the applicant a transient merchant's license to do business as such at the place described in the

application, and the kind of business to be done shall be described therein.

No license shall be valid for more than one person unless he shall be a bona fide member of a copartnership, nor for more than one place, and shall not be valid outside the county for which it is issued, except that licenses. Licenses issued by the attorney general shall be valid in all counties of the state. The license and shall expire after one year from date the dates of their issuance.

No sale under the purview of this chapter shall be conducted in the name of any person other than the bona fide owner of the goods, wares, and merchandise.

The files and records of the county treasurer and auditor attorney general pertaining to transient merchants shall be kept in convenient form and open for public inspection.

SECTION 3. AMENDMENT. Section 51-04-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-07. Service of process.

1. A transient merchant may not engage in any temporary business, or be licensed by any city, without first having complied with this section.
2. Prior to the issuance of a transient merchant license and approval of his bond, the applicant shall in writing appoint the county auditor, or the attorney general where the attorney general has issued the license, his agent to accept service of process in any action or proceeding involving the applicant and arising out of the sale for which the license is sought. Such action shall be brought in the county where the sale was held.
3. Each transient merchant required by the attorney general to do so shall appoint an agent in this state who is a resident of this state. The agent shall accept service of process on behalf of the transient merchant in any suit filed against the transient merchant and the agent is responsible for processing any warranty, claim, or merchandise sold by the transient merchant.

4. The name and street address of the agent must be filed with the attorney general's office. In addition, the name and address of the agent must be furnished in writing to each person purchasing an item from the transient merchant along with a written statement that the agent is the proper person to accept service of process in any suit filed against the vendor, and is the proper person to process any warranty claim.

SECTION 4. A new section to chapter 51-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

License to be carried by licensee and exhibited on demand. Every transient merchant licensed under this Act must have the license in immediate possession at all times when engaging in or transacting any business regulated by this Act. The licensee must display the license when requested to do so by any court, law enforcement official, peace officer, or consumer. However, a person charged with violating this requirement may not be convicted, fined, or assessed court costs if the license is produced in court or to the arresting officer and if the license was valid at the time of the arrest.

SECTION 5. REPEAL. Section 51-04-02.1 of the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1165 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1184 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 1, delete the second word "and" and insert in lieu thereof a comma

On page 1 of the engrossed bill, line 2, after the first comma insert the numerals "15-40.2-01,", after the second comma insert the word "and", and delete the numerals "15-40.2-08" and insert in lieu thereof the numerals "15-40.2-04"

On page 1 of the engrossed bill, line 5, delete the words "residency determination in child"

- On page 1 of the engrossed bill, line 6, delete the words "placement cases by a three-member committee" and insert in lieu thereof the words "transfer of pupils"
- On page 2 of the engrossed bill, line 18, overstrike the words "school district shall receive"
- On page 2 of the engrossed bill, overstrike lines 19 through 21
- On page 2 of the engrossed bill, line 22, overstrike the words "school years, and no"
- On page 2 of the engrossed bill, line 23, overstrike the word "thereafter"
- On page 6 of the engrossed bill, overstrike lines 10 through 13
- On page 6 of the engrossed bill, line 14, overstrike the word "no" and insert immediately thereafter the word "No"
- On page 6 of the engrossed bill, line 15, overstrike the word "thereafter"
- On page 6 of the engrossed bill, after line 22, insert the following new section:

"SECTION 3. AMENDMENT. Section 15-40.2-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-01. Transfer of pupils to other districts or institutions - Tuition agreements. The school board of any district may send elementary or high school pupils into another school district or to an accredited institution of another state when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and in such instances the board may pay the tuition of such pupils to the district or institution to which they are sent. The school board may arrange, and when petitioned to do so by a majority of electors of the district, shall arrange with the school boards of other districts or with the institutions, to send pupils to such other districts or institutions who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from such other schools or institutions. No school district that has closed the elementary or high school portion of its program may send elementary or high school pupils to another district pursuant to an agreement

which does not provide for the payment of tuition from either the sending district or individual pupil's parents or guardians to the receiving district. The agreement must reflect the full cost of education as determined under section 15-40.2-03. However, no school district is required to pay tuition pursuant to chapter 15-40.2 for students attending out-of-district schools if the district of the students' residence provides elementary or high school programs which are approved by the superintendent of public instruction or state board for vocational education. However, school districts operating under cooperative agreements will be excluded from the mandatory tuition requirements."

On page 6 of the engrossed bill, delete lines 31 through 35

Delete page 7 of the engrossed bill

On page 8 of the engrossed bill, delete lines 1 through 10 and insert in lieu thereof the following new section:

"SECTION 5. AMENDMENT. Section 15-40.2-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-40.2-04. Nonresident tuition payments mandatory - Payments are exclusive.** Any school district that admits nonresident pupils from school districts that have closed their elementary or high school programs to its schools as provided by this chapter, shall charge tuition for such pupils. The whole amount of such tuition shall be paid by the district from which the pupil is admitted, in accordance with section 15-40.2-03, or by his parent or guardian, in accordance with section 15-40.2-06.

Any school district that fails to sign a tuition agreement and fails to charge and collect tuition for nonresident students shall forfeit foundation payments for those nonresident students for whom tuition is not paid. Be it further provided that a school district may accept a nonresident student or students without a charge and collection of tuition if a written agreement is made between the sending and receiving districts and the sending district has not closed approved elementary or high school programs.

No school district shall charge or collect from any nonresident pupil, his parent or guardian, or the district of his residence, any registration, textbook, or laboratory fee, or any other fee or



charge which is not charged to or for all resident pupils."

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

HB 1184 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 HB 1236 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1236 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1249 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1249 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1269 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1269 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1333 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1333 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1336 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 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 a new subsection to section 39-21-39 of the North Dakota Century Code, relating to unobstructed motor vehicle windshields.

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

SECTION 1. A new subsection to section 39-21-39 of the North Dakota Century Code is hereby created and enacted to read as follows:

A person may not operate a motor vehicle with any object or any material displayed, affixed, or applied on the front windshield or on any side window where that material alters the color or reduces the light transmittance, or reduces the driver's clear and unobstructed view through the windshield or window. This subsection does not apply to windows behind the driver or to factory installed tinted windows or windshields."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1336 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 HB 1367 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1367 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1373 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 19, line 20, overstrike the words "four percent" and insert immediately thereafter the words "a rate determined by the county commissioners but shall not exceed the prime rate", and after the word "annum" add the words "as established by the Bank of North Dakota for the month immediately preceding the month in which the contract was entered into"

On page 19, line 21, after the word "until" add the words "the contract is"

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

HB 1373 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 HB 1387 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 28, after the word "exists" and before the comma insert the words "and that the county commission desires to use the recommendations of the committee"

On page 3 of the engrossed bill, line 5, after the word "affected" and before the period insert the words "or the vacancy may be filled by appointment by the commissions. The appointment shall continue only until the next general election, when the office shall be filled by election for the remainder of the term"

On page 3 of the engrossed bill, line 9, after the word "appointment" insert the words ". The appointment may, but need not, be made"

On page 4 of the engrossed bill, line 32, delete the words "must follow the requirements" and insert in lieu thereof the words "may utilize the provisions"

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

HB 1387 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 HB 1420 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 of the engrossed bill, line 21, delete the words "attorney general" and insert in lieu thereof the word "governor"

On page 3 of the engrossed bill, line 29, delete the words "The board shall also"

On page 3 of the engrossed bill, delete line 30

On page 4 of the engrossed bill, line 33, after the word "personnel", insert the words ". All rules adopted by the attorney general and appeals therefrom, shall be in accordance with chapter 28-32."

On page 9 of the engrossed bill, line 28, after the word "chapter." insert the sentence "Any decision made by

the attorney general under section 43-30-12 is governed by chapter 28-32."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1420 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 HB 1429 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 24, remove the overstrike over the word "~~five~~", and delete the words "six" and "and fifty cents"

On page 2 of the engrossed bill, line 26, remove the overstrike over the word "~~eight~~", delete the word "ten", and remove the overstrike over the words "~~and fifty~~"

On page 2 of the engrossed bill, line 27, remove the overstrike over the word "~~eents~~"

On page 2 of the engrossed bill, line 30, delete the word "thirty" and insert in lieu thereof the word "twenty-seven"

And renumber the lines accordingly

SEN. LIPS, Chairman

HB 1429 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 HB 1440 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 6, after the word "transactions" insert the words "; and to repeal section 34-01-19 of the North Dakota Century Code, relating to employment discrimination"

On page 2 of the engrossed bill, line 30, after the word "employer" insert the words "is responsible for its acts and those of its supervisory employees if it"

On page 3 of the engrossed bill, line 13, after the word "more" insert the word "full-time" and after the word "employees" insert the words "for more than one quarter of the year"

On page 5 of the engrossed bill, line 2, after the period, insert the sentence "This Act does not prohibit compulsory retirement of any employee who has attained sixty-five years of age, but not seventy years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeiture annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equal, in the aggregate, at least twenty-seven thousand dollars."

On page 7 of the engrossed bill, line 5, after the word "to" insert the words "business policies or practices relating to"

On page 9 of the engrossed bill, line 13, after the word "practice" insert the words ", except as permitted or required by the Equal Credit Opportunity Act (15 USC 1691),"

On page 10 of the engrossed bill, after line 30, insert the following new sections:

"SECTION 21. Optional mediation by department of labor. The department of labor may receive complaints of discriminating employment practices under this Act and shall have sixty days to negotiate settlements to the extent acceptable to the parties involved. This Act does not prohibit or require a person to file a complaint with the department of labor with regard to alleged discriminating employment practices before using the provisions of this Act.

SECTION 22. REPEAL. Section 34-01-19 of the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1440 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 HB 1460 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 2, delete the word "ten" and insert in lieu thereof the word "thirty"

On page 2 of the engrossed bill, line 18, delete the numerals "1983" and insert in lieu thereof the numerals "1984"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

HB 1460 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1516 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 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 a new section to chapter 15-47 of the North Dakota Century Code, relating to school district evaluation, renewal, or discharge of superintendents of school districts.

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

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is hereby created and enacted to read as follows:

Evaluation, renewal, or discharge of superintendents of school districts.

1. The term "superintendent" as used in this section includes district superintendents of schools and chief administrators of multidistrict special education units and multidistrict vocational education centers.
2. At least once during the course of every school year the school board of each school district shall conduct a formal and written evaluation of the performance of the superintendent employed by the district, which shall be provided to the superintendent. The written evaluation of a superintendent's performance must include recommendations with respect to all subject areas within which the school board considers the performance to be unsatisfactory. Descriptions provided by the governing body of unsatisfactory performance must provide in reasonable

detail the basis for its assessment of the unsatisfactory performance.

3. Upon adoption by the board of an unfavorable recommendation of a superintendent based upon an evaluation conducted pursuant to this section, the governing body shall deliver a copy of the evaluation to the superintendent.
4. The superintendent, upon receipt of an unfavorable evaluation, may respond in writing to the substance and content of the evaluation, and such a response shall become a permanent attachment to the superintendent's personnel file. The school board shall meet with the superintendent to discuss the unfavorable evaluation no later than April fifteenth of each year.
5. Throughout the term of a contract between a school district and a superintendent, the superintendent shall be subject to discharge for good and just causes, provided however, that the school board may not arbitrarily or capriciously require the superintendent's dismissal.
6. In the event that a school district governing body intends to discharge a superintendent, the superintendent shall be served with a detailed and written description of the reasons given by the school board for the proposed dismissal. Following service of the written description of the reasons for proposed dismissal, the superintendent shall be granted a hearing before the governing body for which reasonable advance notice shall be required.
7. The superintendent may then produce such witnesses as may be necessary to refute charges made by the board against the superintendent or reasons given by the board for its proposal to discharge the superintendent, and such witnesses are subject to cross examination.
8. All procedures relative to evidence, subpoena of witnesses, oaths, record of testimony, decision, rehearing, appeals, certification of record, scope and

procedure for appeals, and appeals to the supreme court shall be conducted in accordance with the provisions of sections 28-32-06, 28-32-07, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, 28-32-19, 28-32-20, and 28-32-21. The meeting shall be conducted in an executive session of the board, unless both the school board and the superintendent agree that the meeting shall be open to the public.

9. The superintendent may be represented at the meeting by two representatives of the superintendent's own choosing, and the superintendent's spouse, or one other family member of the superintendent's choice, may also attend the meeting if the superintendent so desires.
10. In addition to board members and the school district clerk, the school board may be represented by two other representatives of its own choosing at the executive session.
11. If the superintendent so requests, the superintendent shall be granted a continuance by the board not to exceed seven days unless good cause for a longer continuance is shown.
12. No cause of action for libel or slander shall accrue from any statement expressed either orally or in writing at an executive session of the school board held for the purposes provided for in this section.
13. If a school district fails to provide notification to a superintendent in writing between February fifteenth and April fifteenth of each year that the school board intends not to renew the superintendent's contract, the district shall be deemed to have renewed the contract for a period of one year extending from the termination date set forth in the existing contract."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

HB 1516 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 HB 1519 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 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "57-38-35.1" insert the following: "and 57-38-61"
- On page 1 of the engrossed bill, line 2, after the word "to" insert the word "minimum"
- On page 1 of the engrossed bill, line 9, after the word "Application" insert the words "of refunds"
- On page 1 of the engrossed bill, line 10, overstrike the words "income tax"
- On page 1 of the engrossed bill, line 12, overstrike the words "shall exceed one dollar" and insert immediately thereafter the words ", including interest, is at least five dollars"
- On page 1 of the engrossed bill, line 13, overstrike the word "income"
- On page 1 of the engrossed bill, line 15, overstrike the words "exceeds one dollar" and insert immediately thereafter the words "is at least five dollars"
- On page 1 of the engrossed bill, line 27, overstrike the word "No"
- On page 2 of the engrossed bill, overstrike lines 1 and 2
- On page 2 of the engrossed bill, after line 7, insert the following new section:

"SECTION 2. AMENDMENT. Section 57-38-61 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-61. Provisions of chapter applicable. The provisions of sections 57-38-34, 57-38-38, 57-38-39, 57-38-40, 57-38-44, 57-38-45, 57-38-46, 57-38-47, 57-38-52, 57-38-53, 57-38-54, 57-38-55, 57-38-56, and 57-38-57 shall, insofar as consistent therewith, govern the administration of sections 57-38-58, 57-38-59, and 57-38-60. The term "employer" as used in sections 57-38-58, 57-38-59, and 57-38-60 shall also mean "taxpayer" as used in this chapter. ~~No refund shall be made by the tax commissioner to a taxpayer unless the amount to be refunded shall~~

~~exceed one dollar.~~ In addition, the authority of the tax commissioner to prescribe rules and regulations shall include the authority to make such agreements with the United States government or any of its agencies as are necessary to provide for the deducting and withholding of tax from the wages of federal employees in the state of North Dakota."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

HB 1519 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 HB 1539 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 of the engrossed bill, line 26, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed", and delete the words "less than"

On page 1 of the engrossed bill, line 27, delete the words "the tax imposed"

On page 2 of the engrossed bill, after line 7, insert the following new subsection:

"5. Notwithstanding any other provision of law, only eight cents per gallon [3.79 liters] of the tax imposed by this section is subject to refund as provided by law, except for fuel taxable under subsection 2 upon which only four cents per gallon [3.79 liters] of the tax imposed by subsection 2 is subject to refund as provided by law."

On page 2 of the engrossed bill, line 24, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed"

On page 2 of the engrossed bill, line 25, delete the words "less than the tax imposed"

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

"5. Notwithstanding any other provision of law, only eight cents per gallon [3.79 liters] of the tax imposed by this section is subject to refund as provided by law, except for fuel taxable under subsection 2

upon which only four cents per gallon [3.79 liters] of the tax imposed by subsection 2 is subject to refund as provided by law."

On page 3 of the engrossed bill, line 22, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"

On page 3 of the engrossed bill, line 23, delete the words "less than the tax imposed"

On page 4 of the engrossed bill, after line 3, insert the following new subsection:

"5. Notwithstanding any other provision of law, only eight cents per gallon [3.79 liters] of the tax imposed by this section is subject to refund as provided by law, except for fuel taxable under subsection 2 upon which only fifty percent of the tax imposed by subsection 2 is subject to refund as provided by law."

On page 4 of the engrossed bill, line 17, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"

On page 4 of the engrossed bill, line 18, delete the words "less than the tax imposed"

On page 4 of the engrossed bill, after line 27, insert the following new subsection:

"5. Notwithstanding any other provision of law, only eight cents per gallon [3.79 liters] of the tax imposed by this section is subject to refund as provided by law, except for fuel taxable under subsection 2 upon which only four cents per gallon [3.79 liters] of the tax imposed by subsection 2 is subject to refund as provided by law."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1539 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1564 has had the same under consideration and recommends that the same DC NOT PASS.

SEN. HOLMBERG, Chairman

HB 1564 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1570 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1570 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1575 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1575 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1605 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 14, overstrike the word "December" and insert immediately thereafter the word "January", and delete the numerals "1982" and insert in lieu thereof the numerals "1983"

On page 1 of the engrossed bill, line 27, after the word "adopted" insert the words "in those instances where the minimum investment by the lessor is less than one hundred percent"

On page 2 of the engrossed bill, line 5, delete the words "failure to adopt" and insert in lieu thereof the words "adoption or nonadoption of"

On page 2 of the engrossed bill delete lines 9 through 25

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

HB 1605 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 HB 1622 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1622 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1644 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1644 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1668 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Education to which was referred HB 1670 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 7, after the word "with" insert the words "written or oral", and delete the word "adduced" and insert in lieu thereof "presented", and delete the word "with" and insert in lieu thereof the word ". All"

On page 2 of the engrossed bill, line 8, delete the word "who"

On page 2 of the engrossed bill, line 9, delete the word "purpose" and insert in lieu thereof "purposes"

And renumber the lines accordingly

SEN. PETERSON, Chairman

HB 1670 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 HB 1687 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1687 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1701 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 1 of section 39-04-19, subsections 2 and 3 of section 39-12-04, and section 57-54.1-12 of the North Dakota Century Code, relating to trip permit fees, height and length limitations for vehicles, and occasional trip permits.

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

SECTION 1. AMENDMENT. Subsection 1 of section 39-04-19 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the commissioner, shall pay a fee of ~~ten~~ twenty dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.

SECTION 2. AMENDMENT. Subsections 2 and 3 of section 39-12-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. a. A height of thirteen feet six inches [4.11 meters], whether loaded or unloaded, ~~except that such.~~ This height limitation ~~shall~~ does not affect any present structure such as bridges and underpasses that are not thirteen feet six inches [4.11 meters] in height.

- b. The limitation in subdivision a does not apply to vehicles that are at most fifteen feet six inches [4.72 meters] high when all of the following apply:

- (1) The vehicle is an implement of husbandry and is being moved by a resident farmer, rancher, or dealer.

- (2) The trip is at most forty miles [64.40 kilometers].

(3) The trip is between sunrise and sunset.

(4) None of the trip is on an interstate highway.

3. A length limitation as follows:

a. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of forty fifty feet [~~12-19~~ 15.24 meters].

b. A combination of two units including the load thereon shall not exceed a length of sixty-five seventy-five feet [~~19-81~~ 22.86 meters].

c. A combination of three or four units including the load thereon shall not exceed a length of sixty-five seventy-five feet [~~19-81~~ 22.86 meters]. Combinations of three units are permissible only as follows:

(1) A truck tractor and semitrailer may draw a trailer or semitrailer.

(2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.

(3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles [~~40-23~~ kilometers] per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the commissioner determines by rule are consistent with public highway safety.

(4) A truck may draw two trailers, subject to any rules adopted by the commissioner that are consistent with public highway safety, subject to any rules adopted by the commissioner that are consistent with public highway

safety. The rules shall not apply to a three-unit combination consisting of a truck tractor and semitrailer drawing a trailer or semitrailer.

- d. A combination of two ~~or~~, three, or four units including the load thereon may be operated on ~~and ever~~ all four-lane divided highways and those highways in the state designated by the commissioner and shall not exceed a length of ~~seventy-five~~ one hundred ten feet [~~22.86~~ 33.53 meters], subject to any rules adopted by the commissioner that are consistent with public highway safety.
- e. Length limitations shall not apply to:
- (1) Building moving equipment.
  - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
  - (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
  - (4) Structural material of telephone, power, and telegraph companies.
  - (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of fifty-six feet [17.07 meters].
  - (6) A truck tractor and semitrailer or truck tractor, semitrailer and the trailer when operated on the interstate highway system or parts of the federal aid primary system as designated by the commissioner, only when federal law requires the exemption.

SECTION 3. AMENDMENT. Section 57-54.1-12 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:



57-54.1-12. Occasional trip permits. Any person who occasionally makes trips into or through North Dakota and who elects to secure occasional trip permits as hereinafter provided shall be exempt from the licensing requirements herein imposed. The word "occasionally" shall mean no more than one trip ~~or series of trips~~ in any seventy-two hour period ~~or two trips or series of trips in any two seventy-two hour periods~~ into or through the state of North Dakota. Occasional trip permits shall be issued by the tax commissioner or the commissioner's agent for a fee of ~~five fifteen~~ dollars per trip pursuant to regulations and procedures prescribed by the tax commissioner."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1701 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 HB 1723 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

HB 1723 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1725 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1725 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1727 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 1, after the word "to" insert the words "create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, providing a deduction to reimburse retailers for administrative expenses in connection with collection and payment of sales and use taxes; to"

On page 2 of the engrossed bill, line 32, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"

- On page 2 of the engrossed bill, line 33, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 9, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 12, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 19, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 22, delete the word "four" and insert in lieu thereof the word "ten"
- On page 3 of the engrossed bill, after line 30, insert the following new section:

"SECTION 3. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deduction to reimburse retailer for administrative expenses.

1. A retailer who files the return required by section 57-39.2-11 and pays the tax due on the return within the time limitations prescribed by this chapter may deduct and retain two percent of the tax due on the return.
2. The aggregate of deductions allowed by this section and section 5 of this Act may not exceed two hundred dollars per month for each business location which has been issued a sales tax permit by the commissioner.
3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."

- On page 6 of the engrossed bill, line 28, delete the word "four" and insert in lieu thereof the word "ten"

On page 6 of the engrossed bill, line 30, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"

On page 7 of the engrossed bill, line 6, delete the word "four" and insert in lieu thereof the word "ten"

On page 7 of the engrossed bill, after line 31, insert the following new section:

"SECTION 5. A new section to chapter 57-40.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Deduction to reimburse retailer for administrative expenses.

1. A retailer who pays the tax due and files the return required by section 57-40.2-07 within the time limitations prescribed may deduct and retain two percent of the tax due on the return.
2. The aggregate of deductions allowed by this section and section 3 of this Act may not exceed two hundred dollars per month for each business location which has been issued a sales tax permit by the commissioner.
3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."

On page 8 of the engrossed bill, line 15, after the period insert the following new sentence:

"The penalty does not apply if ninety-five percent of the tax due has been paid with the monthly return and the taxpayer files an amended monthly return and pays the total tax due within sixty days from the original due date."

On page 15 of the engrossed bill, line 7, delete the numeral "13" and insert in lieu thereof the numeral "15"

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

HB 1727 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 HB 1729 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. LIPS, Chairman**

HB 1729 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Finance and Taxation to which was referred HCR 3036 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 first word "the" insert the words "impact of, and": and in the same line after the word "from" insert a comma

On page 1, line 9, after the word "inequities" insert the words "in the level of taxation and"

On page 1, line 11, after the word "resulting" insert the following: ", among other things,"

On page 1, line 19, after the word "study" insert the following: "the impact of the current level of tax on coal gasification plants and"

And renumber the lines accordingly

**SEN. GOODMAN, Chairman**

HCR 3036 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Social Services and Veterans Affairs to which was referred HCR 3075 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 of the engrossed resolution, delete lines 2 through 28 and insert in lieu thereof the following: "the consolidation of services provided by the regional human service centers; to review the kind and scope of mental health services being provided by the centers; to study the capability of the centers to meet the growing demand for services created by deinstitutionalization as well as other factors; to review the continuum of services provided by the state hospital and the human service centers; to determine the capability of the centers to respond to increasing referrals from the court system and other community agencies; and to review staffing levels,

program availability and budgetary needs of the centers to assure the local delivery of quality human services in North Dakota.

WHEREAS, the regional delivery system of mental health services has been significantly altered within the past several years due to the colocation with social service centers and the elimination of local control; and

WHEREAS, these changes were intended to improve the efficiency of the delivery of all human services, to minimize the administrative costs of providing those services, and to eliminate the duplication of services; and

WHEREAS, the need for local human service centers to deliver mental health and social services has grown due to a variety of factors including the stress created by a weakened economy and higher unemployment as well as the additional demands of deinstitutionalization and court referrals; and

WHEREAS, the local delivery of mental health services to assure a continuum of services for the patients released from the state hospital is as necessary as the provision of less restrictive alternatives to hospitalization; and

WHEREAS, the regional human service centers are experiencing some difficulty in meeting the present demands for services which difficulty is evidenced by reports of two-month waiting appointments to see professional staff; and

WHEREAS, the budgetary constraints coupled with increased demand for services necessitates the cooperation and coordination of all service providers within the regional human service centers to assure appropriate referrals and to maximize the efficient delivery of services; and

WHEREAS, it is in the best interest of the state to determine the capability of the centers to deliver the necessary services within the present staffing levels, program availability, and appropriation levels in order to foresee the level of additional demands which may be created by deinstitutionalization and transitional living programs; and

WHEREAS, it is in the best interests of the regional human service centers to realistically assess their capability to meet these increasing

demands so as not to endanger public confidence in the availability or quality of services provided;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the consolidation of services provided by the regional human service centers; to review the kind and scope of mental health services being provided by the centers; to study the capability of the centers to meet the growing demand for services created by deinstitutionalization as well as other factors; to review the continuum of services provided by the State Hospital and the human service centers; to determine the capability of the centers to respond to increasing referrals from the court system and other community agencies; and to review staffing levels, program availability and budgetary needs of the centers to assure the local delivery of quality human services in North Dakota; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Forty-ninth Legislative Assembly."

On page 2 of the engrossed resolution, delete lines 1 through 16

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

HCR 3075 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HCR 3087 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HCR 3087 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, and after the reading of SCR 4003, HB 1001, HB 1004, HB 1005, HB 1006, HB 1007, HB 1009, HB 1017, HB 1020, HB 1034, HB 1063, HB 1236, HB 1249, HB 1269, HB 1333, HB 1367, HB 1564,

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HB 1570, HB 1575, HB 1622, HB 1644, HB 1668, HB 1687, HB 1723, HB 1725, HB 1729, and HCR 3087, the Senate adjourn and convene at 9:00 p.m., Friday, March 18, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary