

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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SIXTY-SECOND DAY

Bismarck, April 5, 1983

The Senate convened at 8:00 a.m., with President Sands presiding.

The prayer was offered by Capt. Richard Rubottom, Salvation Army, Bismarck.

Our Father in heaven, today we thank You for this day and for the opportunities which it brings. We pray for the strength and the courage and the abilities to do those things this day which will help the people of this state that it might be of use to others who are around us. We pray, Lord, that You will bless each of us, that we might find new life, and that we might find new considerations. We ask these things in Jesus' name. 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 Sixty-first day and finds the same to be correct.

SEN. TWETEN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1582, HB 1618, HB 1725, HCR 3020, HCR 3087

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1582, HB 1618, HB 1725, HCR 3020, HCR 3087

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1189, HB 1432, HB 1445, HB 1559, HB 1641, HB 1695,
HCR 3036, HCR 3086

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1189, HB 1432, HB 1445, HB 1559, HB 1641, HB 1695,
HCR 3036, HCR 3086

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1084, HB 1182, HB 1246, HB 1290, HB 1295, HB 1315,
HB 1319, HB 1373, HB 1374, HB 1404, HB 1406, HB 1408,
HB 1417, HB 1428, HB 1439, HB 1443, HB 1447, HB 1454,
HB 1466, HB 1479, HB 1518, HB 1519, HB 1523, HB 1526,
HB 1533, HB 1534, HB 1543, HB 1589, HB 1630, HB 1653,
HB 1670, HB 1674, HB 1680, HCR 3018, HCR 3069, HCR 3073,
HCR 3076, HCR 3077, HCR 3083, HCR 3084

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1084, HB 1182, HB 1246, HB 1290, HB 1295, HB 1315,
HB 1319, HB 1373, HB 1374, HB 1404, HB 1406, HB 1408,
HB 1417, HB 1428, HB 1439, HB 1443, HB 1447, HB 1454,
HB 1466, HB 1479, HB 1518, HB 1519, HB 1523, HB 1526,
HB 1533, HB 1534, HB 1543, HB 1589, HB 1630, HB 1653,
HB 1670, HB 1674, HB 1680, HCR 3018, HCR 3069, HCR 3073,
HCR 3076, HCR 3077, HCR 3083, HCR 3084

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 9:30 a.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082, HCR 3089

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 1367

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1001, HCR 3028

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1539, HB 1643

Very respectfully,
LEO LEIDHOLM, Secretary

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3091: A concurrent resolution concerning the extension of the Wetlands Loan Act and directing the Legislative Council to study the federal waterfowl production area acquisition program.

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

HCR 3092: A concurrent resolution urging the Job Service North Dakota Advisory Council to provide alternative unemployment compensation and employer contribution proposals.

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

HCR 3093: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a self-insurance program for state employees. Was read the first time and referred to the Committee on State and Federal Government.

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2062, SB 2084, SB 2125, SB 2145, SB 2189, SB 2196,
SB 2224, SB 2267, SB 2294, SB 2319, SB 2321, SB 2382,
SB 2386, SB 2404, SB 2447, SB 2448, SB 2465, SB 2474,
SCR 4030, SCR 4043, SCR 4053, SCR 4054

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE SENATE CHAMBER

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

SB 2062, SB 2084, SB 2125, SB 2145, SB 2189, SB 2196,
SB 2224, SB 2267, SB 2294, SB 2319, SB 2321, SB 2382,
SB 2386, SB 2404, SB 2447, SB 2448, SB 2465, SB 2474,
SCR 4030, SCR 4043, SCR 4053, SCR 4054

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

TUESDAY, APRIL 5, 1983

2061

SB 2093, SB 2112, SB 2128, SB 2142, SB 2156, SB 2251,
SB 2255, SB 2268, SB 2288, SB 2291, SB 2344, SB 2345,
SB 2355, SB 2362, SB 2367, SB 2422, SCR 4006

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2093, SB 2112, SB 2128, SB 2142, SB 2156, SB 2251,
SB 2255, SB 2268, SB 2288, SB 2291, SB 2344, SB 2345,
SB 2355, SB 2362, SB 2367, SB 2422, SCR 4006

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2220, SB 2414, SB 2453, SB 2456

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SB 2184, SB 2220, SB 2414, SB 2453, SB 2456

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 4058, SCR 4059, SCR 4060

Very respectfully,
LEO LEIDHOLM, Secretary

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do not concur in the House amendments to SB 2226 as printed on pages 1915 and 1916 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 2226:

Sens. Peterson, Bakewell, Miller Heinrich

SEN. PETERSON MOVED that the Senate do not concur in the House amendments to SB 2277 as printed on pages 1981 and 1982 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 2277:

Sens. Leibhan, Erickson, Waldera

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HCR 3090

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2226 and SB 2277, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2226: Sens. Peterson, Bakewell, Miller Heinrich

SB 2277: Sens. Leibhan, Erickson, Waldera

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3029

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HCR 3096

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1130, HB 1151, HB 1165, HB 1208, HB 1296, HB 1583,
HB 1688, HCR 3038

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report.

HB 1370, HB 1647

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:

SCR 4057

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did concur with the Senate amendments to HB 1429, and consequently does not concur in the Senate amendments to HB 1429, and the Speaker has appointed the following to a conference committee to meet with a like committee from the Senate on:

HB 1429: Reps. R. Meyer, Watne, Martinson

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2020: Reps. Mushik, Horgan, Unhjem
SB 2037: Reps. Opedahl, Mertens, Kuchera
SB 2039: Reps. Lardy, Boyle, Gunsch
SB 2040: Reps. Lardy, G. Martin, Peterson
SB 2044: Reps. Mushik, Mertens, Kuchera

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed a new conference committee to act with a like committee from the Senate on:

SB 2219: Reps. O'Connell, Lloyd, Black

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2002, SB 2016, SB 2038, SB 2276, and SB 2354 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2002

- On page 1 of the engrossed bill, line 3, delete the words "providing for a transfer of funds from the oil" and insert the words "to create and enact a new section to title 15 of the North Dakota Century Code, relating to the continuation of certain educational, rehabilitative, and day care programs by school districts and providing mill levy authorization for certain districts"
- On page 1 of the engrossed bill, line 4, delete the words "extraction tax development fund"
- On page 1 of the engrossed bill, line 16, delete the numerals "3,893,569" and insert in lieu thereof the numerals "3,980,818"
- On page 1 of the engrossed bill, line 18, delete the numerals "301,169" and insert in lieu thereof the numerals "401,169"
- On page 1 of the engrossed bill, line 20, delete the numerals "21,513,941" and insert in lieu thereof the numerals "25,196,650"
- On page 1 of the engrossed bill, line 21, delete the numerals "359,158,652" and insert in lieu thereof the numerals "388,278,288"
- On page 1 of the engrossed bill, after line 21, insert the following new line:

"Grants - tuition fund 37,100,000"

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

"Grants - textbooks 100,000"

On page 1 of the engrossed bill, line 26, delete the numerals "431,943,489" and insert in lieu thereof the numerals "502,133,083"

On page 1 of the engrossed bill, line 27, delete the numerals "169,913,282" and insert in lieu thereof the numerals "84,735,631"

On page 1 of the engrossed bill, line 28, delete the numerals "262,030,207" and insert in lieu thereof the numerals "417,397,452"

On page 2 of the engrossed bill, delete lines 8 through 17

On page 2 of the engrossed bill, line 19, delete the word "appropriation" and insert in lieu thereof the word "appropriation"

On page 2 of the engrossed bill, after line 23, insert the following new section:

"SECTION 4. INTENT. It is the intent of the legislative assembly that the sum of \$37,100,000, or such greater or lesser sums as become available, included in the grants - tuition fund and estimated income line items in section 1 of this Act, be distributed by the office of management and budget out of any moneys in the state tuition fund in the state treasury to the public schools of this state as provided in article IX, section 2 of the Constitution of the State of North Dakota and chapter 15-44 of the North Dakota Century Code, for the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Department of Public Instruction is increased by \$87,249 of which \$34,900 is from the general fund and \$52,349 is from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$36,717 is to be provided in a separate appropriation bill.

The data processing line item is increased by \$100,000 from the general fund.

The special education line item is increased by \$3,682,709 from the general fund. This amount includes an increase of \$4 million for special education purposes and a decrease of \$317,291 to delete funds for in-state boarding costs of handicapped students. It is intended that these boarding costs be paid by the Department of Human Services rather than the Department of Public Instruction, and that \$317,291 be added to the Department of Human Services appropriation in Senate Bill No. 2020.

The grants - foundation aid line item is increased by \$29,119,636 to \$388,278,288 and a new grants - tuition fund line item of \$37,100,000 is added to reflect a \$1,514 per-pupil payment for each year of the 1983-85 biennium, in addition to the distribution from the state tuition fund.

A new grants - textbooks line item of \$100,000 from the general fund is added for the purpose of purchasing the new History of North Dakota textbook for eighth grade students.

The estimated income line item is decreased by \$86,030,000 and the general fund appropriation is increased by \$86,030,000 to reflect the provisions of House Bill No. 1724, which would eliminate the oil extraction tax development fund as a state school aid funding source.

HOUSE AMENDMENTS TO SB 2016

In lieu of the amendments to engrossed Senate Bill No. 2016 as found on pages 2065 and 2066 of the House Journal, engrossed Senate Bill No. 2016 is amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the construction and operation of public radio facilities"

On page 1 of the engrossed bill, line 13, delete the numerals "15,121" and insert in lieu thereof the numerals "25,487"

On page 1 of the engrossed bill, line 14, delete the numerals "25,288" and insert in lieu thereof the numerals "30,788"

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

"Capital improvements

281,020"

On page 1 of the engrossed bill, line 15, delete the numerals "300,000" and insert in lieu thereof the numerals "750,000"

On page 1 of the engrossed bill, line 16, delete the numerals "340,409" and insert in lieu thereof the numerals "1,087,295"

On page 1 of the engrossed bill, after line 23, insert the following new section:

"SECTION 3. A new subsection to section 15-65-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

To contract to build and operate public radio facilities."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Educational Broadcasting Council is increased by \$10,366 from the general fund. Of the total, \$366 will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$154 is to be provided in a separate appropriation bill. The total also includes an increase of \$10,000 to fund a half-time radio network coordinator position for the second year of the biennium.

The operating expenses line item is increased by \$5,500 for expenses related to the half-time radio network coordinator.

A capital improvements line item in the amount of \$281,020 is added. Of the total, \$96,760 is to fund the television relay equipment to complete the North Dakota relay loop. The total also includes \$184,260 to establish a radio interconnect facility for use by public radio stations in the state.

The grants line item is increased by \$450,000 to provide matching grants to public television membership contributions at the same rate and conditions that are in effect for the 1981-83 biennium.

The amendments also provide statutory authority for the council to build and operate the public radio network.

- On page 1 of the engrossed bill, line 16, delete the numerals "2,856,908" and insert in lieu thereof the numerals "2,821,057"
- On page 1 of the engrossed bill, line 17, delete the numerals "728,286" and insert in lieu thereof the numerals "694,286"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,865,358" and insert in lieu thereof the numerals "3,795,507"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,845,358" and insert in lieu thereof the numerals "3,775,507"
- On page 1 of the engrossed bill, line 26, delete the numerals "8,741,844" and insert in lieu thereof the numerals "8,711,447"
- On page 1 of the engrossed bill, line 27, delete the numerals "3,648,519" and insert in lieu thereof the numerals "3,610,519"
- On page 2 of the engrossed bill, line 1, delete the numerals "228,915" and insert in lieu thereof the numerals "128,915"
- On page 2 of the engrossed bill, line 3, delete the numerals "13,144,912" and insert in lieu thereof the numerals "12,976,515"
- On page 2 of the engrossed bill, line 6, delete the numerals "122,782" and insert in lieu thereof the numerals "110,553"
- On page 2 of the engrossed bill, line 7, delete the numerals "95,450" and insert in lieu thereof the numerals "90,450"
- On page 2 of the engrossed bill, line 9, delete the numerals "229,032" and insert in lieu thereof the numerals "211,803"
- On page 2 of the engrossed bill, line 10, delete the numerals "127,015" and insert in lieu thereof the numerals "75,000"
- On page 2 of the engrossed bill, line 11, delete the numerals "102,017" and insert in lieu thereof the numerals "136,803"

On page 2 of the engrossed bill, line 12, delete the numerals "17,092,287" and insert in lieu thereof the numerals "16,888,825"

On page 2 of the engrossed bill, line 13, delete the numerals "147,015" and insert in lieu thereof the numerals "95,000"

On page 2 of the engrossed bill, line 14, delete the numerals "17,239,302" and insert in lieu thereof the numerals "16,983,825"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Supreme Court

The salaries and wages line item is decreased by \$35,851 from the general fund. Of the total, an increase of \$44,149 will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year for all court employees except the judges. Funds are not provided for increases in judge's salaries. A contingent salary increase of two percent in the second year amounting to \$27,737 is to be provided in a separate appropriation bill. Salaries and wages are decreased by \$80,000 to delete funds for one staff attorney position.

The operating expenses line item is decreased by \$34,000 from the general fund. Of this amount, \$30,000 is a decrease in funds for out-of-state travel, and \$4,000 is a decrease to reflect in-state mileage at 20 cents a mile rather than 25 cents a mile.

District Court

The salaries and wages line item is decreased by \$30,397 from the general fund. Of the total, an increase of \$92,343 will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year for all district court employees except the judges. Funds are not provided for increases in judge's salaries. A contingent salary increase of two percent in the second year amounting to \$85,963 is to be provided in a separate appropriation bill. The salaries and wages line item is decreased by \$122,740 to delete funds for three new positions, including one probation officer, one secretary, and one law clerk.

The operating expenses line item is decreased by \$38,000 from the general fund to reflect in-state mileage reimbursement at 20 cents rather than 25 cents a mile.

The equipment line item is decreased by \$100,000 from the general fund.

Judicial Qualifications Commission

The salaries and wages line item is decreased by \$12,229, of which \$6,115 is from the general fund and \$6,114 is from other funds. Of the total, an increase of \$2,804 will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$1,203 is to be provided in a separate appropriation bill. The salaries and wages line item is decreased by \$15,033 to reflect a lower salary for the attorney position. This position was filled by a different person since the original budget was submitted.

The operating expenses line item is decreased by \$5,000, of which \$1,850 is from the general fund and \$3,150 is from other funds, to reflect in-state mileage reimbursement at 20 cents a mile rather than 25 cents a mile.

In addition to these changes, the general fund appropriation is increased by \$42,751 and the estimated income line item is reduced by \$42,751 to reflect an anticipated total level of estimated income of \$75,000.

HOUSE AMENDMENTS TO SB 2276

In addition to the amendments to engrossed Senate Bill No. 2276 as found on pages 1989 through 1991 of the House Journal, engrossed Senate Bill No. 2276 is amended as follows:

On page 1989 of the House Journal, after the forty-fourth printed line, insert the following:

"On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and immediately thereafter insert the numeral "15-40.1-02,"

On page 1 of the engrossed bill, line 3, delete the word "and" and insert in lieu thereof a comma"

On page 1989 of the House Journal, the forty-seventh printed line, after the first set of quotation marks, insert the words ", and apportionment of funds to school districts pursuant to section 2 of article IX of the Constitution of North Dakota"

On page 1989 of the House Journal, after the forty-seventh printed line, insert the following:

"On page 1 of the engrossed bill, after line 6, insert the following new section:

SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. State school aid - Appropriation. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. Funds distributed to each school district pursuant to section 2 of article IX of the Constitution of North Dakota are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools."

On page 1991 of the House Journal, the fortieth printed line, after the period insert the following sentence: "Approval by the budget section of the legislative council is necessary before any supplemental per-pupil payments can be made pursuant to this section."

On page 1991 of the House Journal, the forty-first printed line, delete the words "lines and pages" and insert in lieu thereof the words "lines, sections, and pages"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2276

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

On page 1 of the engrossed bill, line 12, after the word "assembly" insert the words ", not considering any separate and supplemental payments as may be provided by law,"

On page 1 of the engrossed bill, line 14, delete the words "in the amount of one thousand four"

On page 1 of the engrossed bill, delete lines 15 and 16

On page 1 of the engrossed bill, line 17, delete the words "funds distributed pursuant to this chapter"

On page 2 of the engrossed bill, line 1, delete the word "two" and insert in lieu thereof the word "five"

- On page 2 of the engrossed bill, line 2, delete the word "~~sixty~~" and insert in lieu thereof the word "fourteen"
- On page 3 of the engrossed bill, line 4, delete the word "~~thirty-eight~~" and insert in lieu thereof the word "~~thirty-six~~", and remove the overstrike over the word "~~the~~"
- On page 3 of the engrossed bill, line 5, remove the overstrike over the word "~~first~~", delete the word "each", and remove the overstrike over the word "~~and~~"
- On page 3 of the engrossed bill, line 6, remove the overstrike over the words "~~thirty-eight cents during the second year of the~~", and after the numerals "~~1981-83~~" insert the numerals "1983-85"
- On page 3 of the engrossed bill, line 7, remove the overstrike over the word "~~biennium~~", and overstrike the word "sixteen" and insert immediately thereafter the word "nine"
- On page 3 of the engrossed bill, line 8, delete the word "seventy-six" and insert in lieu thereof the words "seventy-three and one-half"
- On page 3 of the engrossed bill, line 9, remove the overstrike over the words "~~the first~~" and delete the word "each"
- On page 3 of the engrossed bill, line 10, remove the overstrike over the words "~~and seventy-six cents per mile~~"
- On page 3 of the engrossed bill, line 11, remove the overstrike over the words "~~41-61 kilometers; the second year of the~~", and after the numerals "~~1981-83~~" insert the numerals "1983-85", and remove the overstrike over the word "~~biennium~~"
- On page 3 of the engrossed bill, line 12, overstrike the word "seventeen" and insert immediately thereafter the word "ten"
- On page 3 of the engrossed bill, line 14, overstrike the word "seventeen" and insert immediately thereafter the word "ten"
- On page 3 of the engrossed bill, after line 17, insert the following new section:

"SECTION 3. APPROPRIATION - SUPPLEMENTAL PER-PUPIL PAYMENT. There is hereby appropriated out

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

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2354

In lieu of the amendments to Senate Bill No. 2354 adopted by the House as found on pages 1997 and 1998 of the House Journal and in lieu of the amendments to Senate Bill No. 2354 as found on pages 2106 through 2108 of the House Journal, engrossed Senate Bill No. 2354 is amended as follows:

- On page 1 of the engrossed bill, line 2, after the word "Code" and before the comma insert the words ", or in the alternative if House Bill No. 1729 does not become effective, to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code"
- On page 1 of the engrossed bill, line 6, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1729 becomes effective, section"
- On page 1 of the engrossed bill, line 13, delete the word "fifty-five" and insert in lieu thereof the word "fifty-four"

On page 1 of the engrossed bill, line 14, delete the word "five" and insert in lieu thereof the word "nine", and delete the word "eighteen" and insert in lieu thereof the word "seventy-eight".

On page 1 of the engrossed bill, after line 16, insert the following new section:

"SECTION 2. AMENDMENT. If House Bill No. 1729 does not become effective, section 27-02-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court shall receive an annual salary commencing July 1, ~~1981~~ 1983, of ~~forty-nine thousand nine hundred dollars and commencing on July 1, 1982, an annual salary of~~ fifty-three thousand nine hundred dollars except that the chief justice of the supreme court shall receive an additional one thousand five hundred dollars per annum."

On page 1 of the engrossed bill, line 17, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1729 becomes effective, section"

On page 1 of the engrossed bill, line 24, delete the word "fifty-two" and insert in lieu thereof the word "fifty-one", delete the word "one" and insert in lieu thereof the word "six", and delete the word "eighteen" and insert in lieu thereof the word "twelve".

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

"SECTION 4. AMENDMENT. If House Bill No. 1729 does not become effective, section 27-05-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state shall receive an annual salary commencing July 1, ~~1981~~ 1983, of ~~forty-six thousand nine hundred dollars and commencing on July 1, 1982, of~~ fifty thousand six hundred dollars and his actual travel expenses, which shall include mileage and subsistence while engaged in the discharge of his official duties outside the county in which his chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district shall receive an additional one thousand two hundred dollars per annum."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2354

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

On page 1 of the engrossed bill, line 12, delete the words "nine hundred" and insert in lieu thereof the word "fifty-six" and overstrike the words "and commencing on July 1," and delete the numeral "1984,"

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

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

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

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

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

And renumber the lines accordingly

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1052 and HB 1727, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1052: Reps. Richard, Aubol, Hughes

HB 1727: Reps. Schneider, B. Larson, Moore

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee reports and subsequently passed the same:

HB 1203, HB 1336, HB 1387, HB 1400, HB 1421, HB 1516

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2047 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on pages 1867-1882 of the Senate Journal.

For the Senate: Sens. Leibhan, Waldera, Erickson

For the House: Reps. Swiontek, Stofferahn, C. Williams

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

MR. PRESIDENT: Your Conference Committee to which was referred SB 2049 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1763 of the Senate Journal.

For the Senate: Sens. Moore, Wright (refused to sign), Barth

For the House: Reps. Riehl, Laughlin, A. Olson

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

MR. PRESIDENT: Your Conference Committee to which was referred SB 2350 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1417 of the Senate Journal.

For the Senate: Sens. Kilander, Todd, Wogsland

For the House: Reps. Gerl, Lloyd, Ketzner

SB 2350 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2358 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1658 of the Senate Journal and that SB 2358 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the numerals "39-12-05.1" and insert in lieu thereof the numerals "39-12-05", and after the comma insert the words "as amended by House Bill No. 1521, as approved by the forty-eighth legislative assembly,"

On page 1 of the engrossed bill, line 6, delete the numerals "39-12-05.1" and insert in lieu thereof the numerals "39-12-05"

On page 1 of the engrossed bill, line 7, after the word "Code" insert the words "as amended by House Bill No. 1521, as approved by the forty-eighth legislative assembly,"

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

On page 2 of the engrossed bill, delete lines 1 and 2 and insert in lieu thereof the following:

- "1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [~~101.6~~ 101.60 centimeters] apart or less are considered as one axle and, on axles spaced over forty inches [~~101.6~~ 101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle. On state highways and subject to the approval of the highway commissioner, from December first to March seventh, the limitations on gross weight provided in this subsection may be exceeded by ten percent. On county highways and subject to the approval of the board of county commissioners, from December first to March seventh, the limitations on gross weights provided in this subsection may be exceeded by ten percent. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center."

And renumber the lines and pages accordingly

For the Senate: Sens. Erickson, Mutch, Dotzenrod

For the House: Reps. Aubol, C. Williams, R. Anderson

SB 2358 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2446 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1388 of the Senate Journal.

For the Senate: Sens. Christensen, Olson, Lashkowitz

For the House: Reps. Lindermann, Vig, Gates

SB 2446 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1130 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 894 of the Senate Journal and that HB 1130 be further amended as follows:

On page 1 of the engrossed bill, line 22, delete the words "against a professional"

On page 2 of the engrossed bill, line 1, after the word "knowledge" insert the words "but a witness cannot be asked about that witness' testimony before the committee"

And renumber the lines accordingly

For the Senate: Sens. Christensen, Stenehjem, Lashkowitz

For the House: Reps. E. Pomeroy, Wentz, Vig

HB 1130 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1151 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1218 and 1219 of the Senate Journal and that HB 1151 be further amended as follows:

On page 1 of the engrossed bill, line 13, delete the words "such an"

On page 1 of the engrossed bill, line 14, delete the word "exchange" and insert in lieu thereof the words "any violation of this chapter. The property described in this section shall be forfeited in the same manner and procedure as conveyances"

And renumber the lines accordingly

For the Senate: Sens. Olson, Lashkowitz, Holmberg

For the House: Reps. R. Meiers, Conmy, Linderman

HB 1151 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1165 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1605 of the Senate Journal and that HB 1165 be amended as follows:

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~~ 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

For the Senate: Sens. Erickson, Kilander, Satrom

For the House: Reps. Gullickson, Lloyd, R. Larson

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

MR. PRESIDENT: Your Conference Committee to which was referred HB 1203 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1219 of the Senate Journal and that HB 1203 be amended as follows:

On page 2, line 4, delete the words "the owner" and insert in lieu thereof the words "any unleased mineral interest pooled by virtue of this section shall be entitled to a cost free royalty interest equal to the acreage weighted average royalty interest of the leased tracts within the spacing unit, but in no event shall the royalty interest of an unleased tract be less than a one-eighth interest. The remainder of the unleased interest shall be treated as a lessee or cost bearing interest. Any unleased mineral interest pooled prior to July 1, 1983, shall be entitled to the cost free royalty interest and working interest as provided in this section from and after the effective date of this Act."

On page 2, delete lines 5 through 9

And renumber the lines accordingly

For the Senate: Sens. David, D. Meyer, Parker

For the House: Reps. G. Pomeroy, R. Meyer, C. Martin

HB 1203 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1208 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1234 of the Senate Journal and that HB 1208 be further amended as follows:

On page 2 of the engrossed bill, line 25, remove the overstrike over the words "~~of an amount not to exceed fifty dollars~~"

On page 2 of the engrossed bill, line 29, remove the overstrike over the words "~~of an amount not to exceed~~" and after the overstruck word "~~one~~" insert the word "two" and remove the overstrike over the word "~~hundred~~"

On page 2 of the engrossed bill, line 30, remove the overstrike over the word "~~dollars~~"

On page 3 of the engrossed bill, line 17, remove the overstrike over the word "~~, not~~"

On page 3 of the engrossed bill, line 18, remove the overstrike over the words "~~to exceed~~" and after the overstruck word "~~one~~" insert the word "two" and remove the overstrike over the words "~~hundred dollars~~"

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Olson, Maixner

For the House: Reps. E. Pomeroy, Kretschmar, Riley

HB 1208 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1296 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1284 of the Senate Journal and that HB 1296 be further amended as follows:

On page 1 of the engrossed bill, line 10, after the word "means" insert the words "platted or"

On page 1 of the engrossed bill, line 16, after the first word "Property" insert the words "platted on or after March 30, 1981,"

And renumber the lines accordingly

For the Senate: Sens. Adams, Dotzenrod, Moore
For the House: Reps. Schneider, Hughes, Koski

HB 1296 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1336 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1611 and 1612 of the Senate Journal and that HB 1336 be further amended as follows:

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 clear and unobstructed view through the windshield or window. This subsection does not apply to windows behind the driver or to tinted windows or windshields in compliance with the Federal Motor Vehicle Safety Standards No. 205."

And renumber the lines and pages accordingly

For the Senate: Sens. Dykshoorn, Kilander, Satrom
For the House: Reps. Schoenwald, Kent, Riehl

HB 1336 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1370 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1505 of the Senate Journal.

For the Senate: Sens. Lodoen, Holmberg, Matchie

For the House: Reps. Koski, O'Connell, Hughes

HB 1370 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1387 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1613 of the Senate Journal and that HB 1387 be amended as follows:

On page 1 of the engrossed bill, line 4, delete the word "sections" and insert in lieu thereof the word "section" and delete the words "and 44-02-04"

On page 4 of the engrossed bill, line 17, after the word "section" insert the words "1 of this Act, unless the board, by resolution, determines to fill the vacancy in accordance with section"

On page 4 of the engrossed bill, line 21, delete the words "and section 1 of this Act"

On page 4 of the engrossed bill, delete lines 22 through 35

On page 5 of the engrossed bill, delete lines 1 through 3

And renumber the lines and pages accordingly

For the Senate: Sens. Holmberg, Stenehjem, J. Meyer

For the House: Reps. Nowatzki, Keller, Kretschmar

HB 1387 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1400 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1364-1366 of the Senate Journal and that HB 1400 be further amended as follows:

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 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts and computation of interest due at time of repayment; and to provide an effective date."

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

SECTION 1. AMENDMENT. Section 51-13-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-13-05. Credit upon anticipation of payments. Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation. The amount of such refund credit shall represent at least as great a proportion of the credit service charge after first deducting from such credit service charge an acquisition cost of fifteen dollars, as the sum of the periodic time balances after the month in which prepayment is made, bears to the sum of all the periodic time balances under the schedule of installments in the original contract. Where the amount of the credit for anticipation of payment is less than one dollar, no refund need be made. Prepayment of retail installment contract.

1. At any time before maturity, a buyer may pay in full the remaining principal due on a retail installment contract and is entitled to a refund of finance charges as follows:
 - a. For a retail installment contract where the amount financed is not more than ten thousand dollars, the refund must, after deducting an acquisition cost of not more than fifteen dollars, be at least as great a proportion of the finance charge as the sum of the periodic time balances after the month in which the prepayment is made bears to the sum of all the periodic time balances under the scheduled installments in the original retail installment contract.
 - b. For a retail installment contract where the amount financed is greater than ten thousand dollars, the refund must be at least the finance charge paid in excess of that computed under the actuarial method, using the annual percentage rate disclosed under federal law to the nearest one-fourth of one percent.

c. A refund is not required if it is less than one dollar.

2. Notwithstanding section 51-13-06.2, this section applies to retail installment contracts for agricultural purposes and to retail installment contracts for more than twenty-five thousand dollars.

SECTION 2. APPLICATION. Subdivisions a and b of subsection 1 of section 51-13-05 apply to retail installment contracts made after September 30, 1983."

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Wogsland, Todd

For the House: Reps. Schoenwald, S. F. Hoffner, Haugland

HB 1400 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1421 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1555 of the Senate Journal and that HB 1421 be further amended as follows:

On page 1 of the engrossed bill, line 4, delete the word "and"

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

On page 2 of the engrossed bill, line 21, delete the numerals "75,560" and insert in lieu thereof the numerals "56,670"

On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 11. EFFECTIVE DATE. This Act becomes effective on July 1, 1983."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for funding the North Dakota Centennial Commission is reduced to \$56,670, and an effective date of July 1, 1983, is provided.

For the Senate: Sens. Wenstrom, Streibel, Tallackson

For the House: Reps. Mushik, Sanstead, Peterson

HB 1421 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1516 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1616-1618 of the Senate Journal and that HB 1516 be further amended as follows:

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 before March first, 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. The governing body must provide in reasonable detail the basis for its assessment of the unsatisfactory performance.
3. The superintendent, upon receipt of an 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 evaluation.

4. 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.
5. 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. If a superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation must be incurred by the superintendent.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. If a school district fails to provide notification to a superintendent in writing between March first and May first 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. If a school district provides notification to the superintendent in writing before May first of its intent not to renew the superintendent's contract, the school board shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent request such a meeting."

And renumber the lines and pages accordingly

For the Senate: Sens. Leibhan, Peterson, Miller Heinrich

For the House: Reps. Serenus Hoffner, Lautenschlager, D. Olsen

HB 1516 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1583 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1221 of the Senate Journal and that HB 1583 be further amended as follows:

On page 7 of the engrossed bill, line 4, delete the words "thirty-one days" and insert in lieu thereof the words "fifteen days for monthly premiums and thirty-one days for all others"

And renumber the lines and pages accordingly

For the Senate: Sens. Todd, Kilander, Krauter

For the House: Reps. DeMers, Melby, W. Williams

HB 1583 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1647 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1310 of the Senate Journal.

For the Senate: Sens. Mutch, Satrom, Dykshoorn

For the House: Reps. Schoenwald, Riehl, Goetz

HB 1647 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HB 1688 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1395 of the Senate Journal.

For the Senate: Sens. Holmberg, Stenehjem, Maixner

For the House: Reps. R. Meiers, Schneider, Wentz

HB 1688 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred HCR 3038 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1488 of the Senate Journal and that HCR 3038 be amended as follows:

On page 1, line 22, delete the words "with emphasis on"

And renumber the lines and pages accordingly

For the Senate: Sens. Lodoen, Reiten, Waldera

For the House: Reps. Serenus Hoffner, Hill, D. Olsen

HCR 3038 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4061 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4061 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HCR 3093 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3093 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2003 as printed on pages 1918 and 1919 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 2003:

Sens. Naaden, Streibel, Grotberg

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2006 as printed on page 1920 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 2006:

Sens. Streibel, Tennefos, Tallackson

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2007 as printed on pages 1920 and 1921 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 2007:

Sens. Tennefos, Fritzell, Grotberg

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2008 as printed on pages 1921 and 1922 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 2008:

Sens. Naaden, Tweten, Stromme

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2009 as printed on pages 1922 and 1923 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 2009:

Sens. Thane, Nelson, Tallackson

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2010 as printed on page 1924 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 2010:

Sens. Tweten, Fritzell, Tallackson

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2011 as printed on pages 1924 and 1925 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 2011:

Sens. Naaden, Thane, Stromme

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2012 as printed on pages 1925 and 1926 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 2012:

Sens. Tennefos, Tweten, Walsh

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2013 as printed on pages 1926 and 1927 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 2013:

Sens. Lips, Thane, Walsh

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2014 as printed on page 1927 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 2014:

Sens. Fritzell, Wenstrom, Grotberg

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2015 as printed on pages 1927-1929 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 2015:

Sens. Tennefos, Naaden, Tallackson

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2021 as printed on pages 1929 and 1930 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 2021:

Sens. Naaden, Tweten, Grotberg

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2023 as printed on page 1930 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 2023:

Sens. Tennefos, Fritzell, Heigaard

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2024 as printed on pages 1930 and 1931 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 2024:

Sens. Tennefos, Fritzell, Heigaard

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2025 as printed on page 1931 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 2025:

Sens. Thane, Wenstrom, Walsh

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2030 as printed on page 1931 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 2030:

Sens. Fritzell, Wenstrom, Stromme

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2031 as printed on pages 1931 and 1932 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 2031:

Sens. Tweten, Thane, Tallackson

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2034 as printed on pages 1933 and 1934 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 2034:

Sens. Wenstrom, Fritzell, Stromme

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2035 as printed on page 1934 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 2035:

Sens. Wenstrom, Fritzell, Grotberg

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2036 as printed on pages 1934 and 1935 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 2036:

Sens. Thane, Naaden, Heigaard

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2227 as printed on page 1916 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 2227:

Sens. Lips, Thane, Walsh

SEN. VOSPER MOVED that the Senate do not concur in the House amendments to SB 2244 as printed on page 1568 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 2244:

Sens. Bakewell, Vosper, Barth

SEN. PETERSON MOVED that the Senate do not concur in the House amendments to SB 2276 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 2276:

Sens. Peterson, Nelson, Miller Heinrich

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2354 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 2354:

Sens. Holmberg, Stenehjem, Maixner

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. GOODMAN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1052, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1052:

Sens. Goodman, Moore, Matchie

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1429, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1429:

Sens. Thane, Streibel, Tallackson

SEN. GOODMAN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1727, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1727:

Sens. Goodman, Adams, Dotzenrod

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that HB 1005 be referred back to the Committee on Appropriations, which motion prevailed.

SEN. KILANDER MOVED that the Senate reconsider the action whereby all the amendments to HB 1473 were adopted, which motion prevailed.

SEN. KILANDER MOVED that HB 1473 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the word "Areas" and insert in lieu thereof the words "Except for transmission lines in existence before July 1, 1983, areas"

On page 1 of the engrossed bill, line 14, delete the words "a farmstead," and insert in lieu thereof the words "an inhabited", and delete the words ", or place of"

On page 1 of the engrossed bill, line 15, delete the word "business", and delete the word "exclusion" and insert in lieu thereof the word "avoidance"

On page 1 of the engrossed bill, line 17, delete the word "exclusion" and insert in lieu thereof the word "avoidance", and delete the words "a farmstead," and insert in lieu thereof the words "an inhabited"

On page 1 of the engrossed bill, line 18, delete the words ", or place of business"

On page 1 of the engrossed bill, line 19, delete the word "farmstead," and insert in lieu thereof the word "inhabited", and delete the words ", or place of"

On page 1 of the engrossed bill, line 20, delete the words "business. The waiver must be"

And renumber the lines accordingly

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

SEN. KILANDER MOVED that the rules be suspended, that HB 1473 be placed on the Fourteenth order of business, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1473: A BILL for an Act to amend and reenact subsection 2 of section 49-22-05.1 of the North Dakota Century Code, relating to exclusion and avoidance areas in energy conversion and transmission facility siting.

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, 1 NAY, 2 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; Leibhan; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Todd

ABSENT AND NOT VOTING: Goodman; Lips

HB 1473 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1473 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

HB 1617: A BILL for an Act to create and enact a new section to chapter 15-44 and a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to a driver education fund and to an additional penalty for driving violations.

Which has been read and is being reconsidered.

SEN. MATCHIE MOVED that HB 1617 be amended as follows:

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

On page 1, line 4, after the word "violations" and before the period insert the words "; and to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to competitive bidding requirements for contracts entered into by public school districts"

On page 1, underscore lines 9 through 21

On page 1, after line 21, insert the following new sections:

"SECTION 2. A new section to chapter 15-44 of the North Dakota Century Code is hereby created and enacted to read as follows:

Authorization for school districts to contract with commercial driver training schools. Public school districts may enter into contractual agreements with commercial driver training schools to provide driver's education instruction for high school students. The school board may negotiate agreements which must contain specific provision for the cost of the driver's education instruction on a per-enrolled-student basis. Districts entering into contractual agreements with commercial driver training schools are eligible to receive funds apportioned pursuant to section 1 of this Act. All

commercial driver training schools providing driver's education instruction to high school students under contract with public school districts under this Act must be licensed by the superintendent of the state highway patrol pursuant to chapter 39-25. In order for a school district to be eligible to receive funds pursuant to section 1 of this Act, the terms of a contractual agreement between a school district and a commercial driver training school must be approved by the superintendent of public instruction.

SECTION 3. AMENDMENT. Section 15-47-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-15. School contracts - Advertisement for bids - Publication - Exceptions - Penalty. No contract involving the expenditure of an aggregate amount greater than four thousand dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to any of the following classes of contracts:

1. For personal services of employees of the district.
2. For school text or reference books.
3. For any article which is not for sale on the open market.
4. For any patented, copyrighted, or exclusively sold device or feature required to match articles already in use.
5. For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased.
6. Any building contract.
7. For the provision of driver's education instruction programs to public high school students by commercial driver training

schools under agreements entered into pursuant to section 2 of this Act.

Such exceptions shall be strictly construed. Every member of a school board who participates in a violation of this section shall be guilty of a class B misdemeanor."

On page 1, underscore lines 25 through 28

On page 2, underscore lines 1 through 10

And renumber the lines, sections, and pages accordingly

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

SEN. MATCHIE MOVED that the rules be suspended, that HB 1617 placed on the calendar as amended, for second reading and final passage, which motion prevailed.

HB 1617: A BILL for an Act to create and enact two new sections to chapter 15-44 and a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to a driver education fund and to an additional penalty for driving violations; and to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to competitive bidding requirements for contracts entered into by public school districts.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Grothberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lee; Leibhan; Maixner; Matchie; Meyer, D.; Meyer, J.; Parker; Redlin; Satrom; Stromme; Tallackson; Thane; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjerm; Streibel; Tennefos; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: None

HB 1617 was declared lost.

SEN. NETHING MOVED that the vote by which HB 1617 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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 2003, SB 2006, SB 2007, SB 2008, and SB 2009, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Naaden, Streibel, Grotberg
SB 2006: Sens. Streibel, Tennefos, Tallackson
SB 2007: Sens. Tennefos, Fritzell, Grotberg
SB 2008: Sens. Naaden, Tweten, Stromme
SB 2009: Sens. Thane, Nelson, Tallackson

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2010, SB 2011, SB 2012, SB 2013, and SB 2014, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2010: Sens. Tweten, Fritzell, Tallackson
SB 2011: Sens. Naaden, Thane, Stromme
SB 2012: Sens. Tennefos, Tweten, Walsh
SB 2013: Sens. Lips, Thane, Walsh
SB 2014: Sens. Fritzell, Wenstrom, Grotberg

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2015, SB 2021, SB 2023, SB 2024, and SB 2025, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2015: Sens. Tennefos, Naaden, Tallackson
SB 2021: Sens. Naaden, Tweten, Grotberg
SB 2023: Sens. Tennefos, Fritzell, Heigaard
SB 2024: Sens. Tennefos, Fritzell, Heigaard
SB 2025: Sens. Thane, Wenstrom, Walsh

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2030, SB 2031, SB 2034, and SB 2035, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2030: Sens. Fritzell, Wenstrom, Stromme
 SB 2031: Sens. Tweten, Thane, Tallackson
 SB 2034: Sens. Wenstrom, Fritzell, Stromme
 SB 2035: Sens. Wenstrom, Fritzell, Grotberg

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2036, SB 2227, SB 2244, SB 2276, and SB 2354, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2036: Sens. Thane, Naaden, Heigaard
 SB 2227: Sens. Lips, Thane, Walsh
 SB 2244: Sens. Bakewell, Vosper, Barth
 SB 2276: Sens. Peterson, Nelson, Miller Heinrich
 SB 2354: Sens. Holmberg, Stenehjem, Maixner

Very respectfully,
 LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

HB 1730: A BILL for an Act to amend and reenact subsection 3 of section 5-02-02 of the North Dakota Century Code, relating to qualifications for a retail liquor license; and to declare an emergency.

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

ROLL CALL

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

YEAS: Grotberg; Miller Heinrich; Kusler; Maixner

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

ABSENT AND NOT VOTING: None

HB 1730 was declared lost.

SEN. NOTHING MOVED that the vote by which HB 1730 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

HB 1731: A BILL for an Act to amend and reenact section 16.1-11-04 of the North Dakota Century Code, relating to the presidential preference primary.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Barth

HB 1731 passed and the title was agreed to.

HB 1474: A BILL for an Act to provide for a bill of rights for public employees; 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 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Barth

HB 1474 was declared lost.

SEN. NOTHING MOVED that the vote by which HB 1474 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a division vote.

MOTION

SEN. NOTHING MOVED that the Senate be on the Fifteenth order of business, to consider SB 2178, SB 2339, Section 3 of SB 2436, and SB 2476 which the Governor has vetoed, which motion prevailed.

RECONSIDERATION OF VETOED MEASURES SECOND READING OF SENATE BILLS

SB 2178: A BILL for an Act to amend and reenact section 15-40.1-02 of the North Dakota Century Code, relating to state school aid appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Barth; Todd

SB 2178 was declared lost and the Governor's veto was sustained.

SB 2339: A BILL for an Act to require the director of the institute for regional studies of North Dakota state university to compile, publish, and distribute four general volumes of history in the series "The Centennial Heritage Series"; an agricultural history, a social history, a literary history, and a history of North Dakota native Americans; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 30 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Barth; Todd

SB 2339 was declared lost and the Governor's veto was sustained.

SECTION 3 OF SB 2436: A BILL for an Act to create and enact a new section to chapter 60-06 of the North Dakota Century Code, relating to arbitration by the public service commission of proceedings for renewing grain warehouse leases on railroad rights of way; and to amend and reenact section 32-29-01 of the North Dakota Century Code, relating to authorization of arbitration; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of Section 3 of SB 2436, the roll was called and there were 9 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Hilken; Krauter; Maixner; Matchie; Meyer, J.; Waldera; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Barth; Todd

Section 3 of SB 2436 was declared lost and the Governor's veto was sustained.

SB 2476: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to the residency requirements for obtaining fishing licenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 23 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn;
Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee;
Leibhan; Lodoen; Mutch; Naaden; Nelson; Nething; Olson;
Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane;
Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Barth; Todd

SB 2476 was declared lost and the Governor's veto was sustained.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do concur in the House amendments to SB 2032 as printed on pages 1932 and 1933 of the Senate Journal, which motion prevailed.

SEN. LIPS MOVED that the rules be suspended, that SB 2032 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2032: A BILL for an Act making an appropriation for defraying the expenses of the southwest water pipeline project of the state of North Dakota; and providing for residential preferences.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; 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; Stromme; Tallackson; Tennefos; Thane; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Todd; Tweten; Vosper

SB 2032 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2032 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do concur in the House amendments to SB 2150 as printed on pages 1764 and 1765 of the Senate Journal, which motion prevailed.

SEN. REITEN MOVED that the rules be suspended, that SB 2150 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2150: A BILL for an Act to amend and reenact subsection 2 of section 49-02-01, section 49-02-01.1, subsection 2 of section 49-21-01, sections 49-21-04, 49-21-09, and 49-21-10 of the North Dakota Century Code, relating to the jurisdiction of the public service commission over telegraph and telephone companies.

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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: Barth; David; Krauter; Todd;
Tweten

SB 2150 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2150 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do concur in the House amendments to SB 2205 as printed on page 1767 of the Senate Journal, which motion prevailed.

SEN. REITEN MOVED that the rules be suspended, that SB 2205 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2205: A BILL for an Act to amend and reenact subsection 3 of section 52-04-03, subsections 1 and 2 of section 52-06-02, and subsections 1 and 2 of section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation tax base, disqualification from benefits, and benefit amounts.

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 46 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Miller Heinrich; Kusler; Lashkowitz; Meyer, J.

ABSENT AND NOT VOTING: Barth; Fritzell; Todd

SB 2205 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which SB 2205 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do concur in the House amendments to SB 2206 as printed on pages 1731 and 1732 of the Senate Journal, which motion prevailed.

SEN. REITEN MOVED that the rules be suspended, that SB 2206 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2206: A BILL for an Act to amend and reenact subsections 18 and 30 of section 52-01-01, subsection 13 of section 52-06-02, and section 52-06-06 of the North Dakota Century Code, relating to unemployment compensation definitions, disqualification for unemployment compensation benefits, and the weekly benefit for unemployment.

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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Miller Heinrich; Lashkowitz

ABSENT AND NOT VOTING: Barth; Todd; Wright

SB 2206 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which SB 2206 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2249 as printed on page 1884 of the Senate Journal, which motion prevailed.

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2249 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2249: A BILL for an Act to amend and reenact sections 5-01-06, 11-15-03, 11-29-10, 11-29-20, 12-53-13, subsection 2 of section 12.1-20-01, sections 12.1-20-02, 12.1-29-02, 14-02-06, 14-02-08, 14-05-06, 14-05-07, 14-05-25, 14-05-26, 14-07-03, 14-07-05, 14-07-08, 14-07-10, 14-07-11, 14-07-16, 14-07-20, 14-07-21, 14-07-22, 14-08-01, 14-08-02, 14-08-03, 14-08-04, 14-08-05, 14-09-05, 14-09-06, 14-09-08, 14-09-09, 18-11-17, 23-14-04, 26-10-17, 27-17-01, 27-17-02, 28-21-12, 28-22-11, 32-04-12, 34-07-16, subsection 7 of section 37-01-40, 37-02-01, 37-07-01, 37-12-01, 37-15-02, 37-15-10, 44-08-17, 50-02-01, 50-02-03, 50-02-04, and 54-01-26 of the North Dakota Century Code, relating to correcting sex discriminatory language in North Dakota statutes, eliminating spousal immunity for the crime of gross sexual imposition, and eliminating rights of personal relation; and to repeal section 50-02-02 of the North Dakota Century Code, relating to acquiring residency in North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 34 YEAS, 16 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Dykshoorn; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nothing; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Thane; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Berube; Christensen; David; Erickson; Leibhan; Moore; Mutch; Naaden; Nelson; Parker; Streibel; Tallackson; Tennefos; Tweten; Vosper

ABSENT AND NOT VOTING: Barth; Lee; Todd

SB 2249 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2249 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LIPS MOVED that the Senate do concur in the House amendments to SB 2250 as printed on pages 1807 and 1808 of the Senate Journal, which motion prevailed.

SEN. LIPS MOVED that the rules be suspended, that SB 2250 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2250: A BILL for an Act to amend and reenact section 1 of chapter 216 of the 1981 Session Laws of North Dakota and to reenact section 2 of chapter 256 of the 1979 Session Laws of North Dakota and to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at North Dakota state university of agriculture and applied science and to provide an appropriation; to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing parking lot at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing, coal-fired generating boiler at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction or purchase and relocation of revenue-producing student housing at Minot state college and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at the university of North Dakota; to provide an appropriation; 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 27 YEAS, 21 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Christensen; Dotzenrod; Fritzell; Grotherg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie;

Meyer, J.; Olson; Redlin; Satrom; Stenehjøm; Streibel;
Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; David; Dykshoorn;
Erickson; Leibhan; Lodoen; Meyer, D.; Moore; Mutch;
Naaden; Nelson; Nething; Parker; Peterson; Tennefos;
Thane; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Barth; Goodman; Lee; Reiten; Todd

SB 2250 passed, the title was agreed to, but the emergency clause lost.

SEN. NOTHING MOVED that the vote by which SB 2250 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2265 as printed on page 1884 of the Senate Journal, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2265 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2265: A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to sale by the state highway department of certain inventories to local governments and to provide a continuing appropriation for the disposition of the proceeds from these sales; 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 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; 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; Tweten; Vosper;
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Lee; Todd

SB 2265 passed, the title was agreed to, and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which SB 2265 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PARKER MOVED that the Senate do concur in the House amendments to SB 2271 as printed on pages 1808 and 1809 of the Senate Journal, which motion prevailed.

SEN. PARKER MOVED that the rules be suspended, that SB 2271 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2271: A BILL for an Act to provide minimum conditions for a dual choice option between nonprofit health service corporations or insurance companies and health maintenance organizations; to determine the payment of benefits for persons with continuous coverage; to amend and reenact section 26.1-02-20 of the North Dakota Century Code, relating to reinsurance; 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 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; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Lee; Todd

SB 2271 passed, the title was agreed to, and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which SB 2271 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SB 2306 as printed on page 1809 of the Senate Journal, which motion prevailed.

SEN. WRIGHT MOVED that the rules be suspended, that SB 2306 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2306: A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota Century Code, relating to child support.

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; 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; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Lee; Todd

SB 2306 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2306 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do concur in the House amendments to SB 2394 as printed on pages 1884-1887 of the Senate Journal, which motion prevailed.

SEN. PETERSON MOVED that the rules be suspended, that SB 2394 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2394: A BILL for an Act to create and enact section 15-47-27.1 of the North Dakota Century Code, relating to the renewal and nonrenewal of first-year teachers; and to amend and reenact sections 15-47-26, 15-47-27, and subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to school board procedures with respect to the renewal and nonrenewal of contracts of teachers who have taught for more than one year.

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 36 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Hilken; Kilander; Krauter; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Fritzell; Heigaard; Miller Heinrich; Holmberg; Kusler; Lashkowitz; Leibhan; Matchie; Redlin; Satrom; Stenehjeme; Walsh; Wogsland

ABSENT AND NOT VOTING: Barth; Lee; Todd

SB 2394 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2394 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

TUESDAY, APRIL 5, 1983

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MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1473

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1052: Sens. Goodman, Moore, Matchie
HB 1429: Sens. Thane, Streibel, Tallackson
HB 1727: Sens. Goodman, Adams, Dotzenrod

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 1731

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:

HB 1474, HB 1617, HB 1730

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that after the reading of SCR 4061 and HCR 3093, the Senate adjourn and convene at 8:00 a.m., Wednesday, April 6, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary