

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-FIFTH DAY

Bismarck, March 23, 1983

The House convened at 9:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Randall Paulson, Grace Lutheran Brethren Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Lang, Nalewaja, Nicholas, Unhjem, and Wold.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. LAUGHLIN, Chairman

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

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2108:

Reps. Gullickson, A. Meier, Kretschmar

CONSIDERATION OF MESSAGE FROM SENATE

REP. BROKAW MOVED that the conference committee report on HB 1049 as printed on pages 2051 and 2052 of the House Journal be adopted, which motion prevailed.

MOTION

REP. BACKES MOVED that HB 1049 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1049: A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees collected by the department of weights and measures under the public service commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 2051 and 2052, the roll was called and there were 80 YEAS, 17 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nowatzki; O'Connell; Olsen, D.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Strinden; Swiontek; Thompson; Vander Vorst; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, R.; Backes; Hanson, O.; Hill; Kent; Kingsbury; Kuchera; Laughlin; Murphy; Olafson; Olson, A.; O'Shea; Peltier; Rued; Stofferahn; Timm; Watne

ABSENT AND NOT VOTING: Gunsch; Hughes; Lang; Martinson; Nalewaja; Nicholas; Richard; Unhjem; Wold

HB 1049 passed and the title was agreed to.

MOTIONS

REP. BACKES MOVED that HB 1733 be laid over one legislative day, which motion prevailed.

REP. MERTENS MOVED that SB 2018 be returned to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2018 was returned to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

SB 2026: A BILL for an Act making an appropriation for the payment of insurance premium taxes to fire departments; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to the distribution of such premium taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Hughes; Lang; Nalewaja; Nicholas; Richard; Unhjem; Wold

SB 2026 passed and the title was agreed to.

SB 2047: A BILL for an Act to create and enact three new sections to chapter 57-15 of the North Dakota Century Code, relating to the consolidation of school district mill levies into a general fund levy and a special fund levy and exemption of debt service levies; to amend and reenact sections 15-18-04.2, 15-18-05, 15-34.2-06, 15-39.1-28, 15-40.2-12, 15-45-01, 15-47-21, 15-59-08, subsection 4.1 of section 21-03-06, sections 32-12.1-08, 32-12.1-11, 40-55-08, 40-55-09, subsection 3 of section 52-09-08, section 57-15-14, the new section to chapter 57-15 as created by section 59 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, and section 57-19-04 of the North Dakota Century Code, relating to off-campus educational center mill levies, county levies in support of junior colleges or off-campus educational centers, boarding and lodging of high school students, a teachers' retirement fund, tuition for students in grades seven through twelve, kindergartens, equalization tax levies, special education, insurance reserve fund, judgments against school districts, recreation systems, vocational education, old-age survivors' fund, and tax levy

limitations; and to repeal the new section to chapter 57-15 as created by section 75 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, and sections 15-20.1-08, 57-15-15, 57-15-18.1, 57-15-18.2, 57-15-49, 57-15-52, 57-15-52.1, and 57-16-05 of the North Dakota Century Code, relating to mill levy consolidation, excess mill levies, and school district mill levies for vocational education, rental expenses, unemployment compensation, libraries, and communication and schoolbus costs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1946-1962, the roll was called and there were 68 YEAS, 35 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kent; Kloubec; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nowatzki; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riley; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Stofferahn; Strinden; Swiontek; Timm; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Backes; Brokaw; Erdman; Gorder; Gullickson; Gunsch; Hanson, O.; Hill; Hughes; Keller; Kingsbury; Knudson; Martin, C.; Melby; Meyer, R.; Meyer, W.; Murphy; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Retzer; Richard; Riehl; Rued; Shide; Shockman; Solberg; Thompson; Vander Vorst; Watne; Whalen

ABSENT AND NOT VOTING: Lang; Nicholas; Unhjem

SB 2047 passed and the title was agreed to.

MESSAGE FROM THE SENATE 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 1151: Sens. Olson, Holmberg, Lashkowitz
HB 1203: Sens. David, Parker, D. Meyer
HB 1583: Sens. Todd, Krauter, Kilander

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 2408, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2408: Sens. David, Vosper, Hilken

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1053, HB 1084, HB 1165, HB 1336, HB 1373, HB 1387, HB 1420, HB 1440, HB 1460, HB 1516, HB 1519, HB 1605, HB 1670, HB 1701, and HCR 3036 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1053

On page 1 of the engrossed bill, delete lines 9 through 28 and insert in lieu thereof the following:

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

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

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

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

And renumber the lines, subsections, and pages accordingly

SENATE AMENDMENTS TO HB 1084

- On page 1 of the engrossed bill, line 5, delete the word "filing" and insert in lieu thereof the word "recording"
- On page 1 of the engrossed bill, line 9, after the word "requires" insert a comma
- On page 1 of the engrossed bill, line 12, after the word "otherwise" and before the period insert the words "owned by a person other than the owner of the surface estate"
- On page 1 of the engrossed bill, line 13, delete the word "Filing" and insert in lieu thereof the word "Recording"
- On page 1 of the engrossed bill, line 15, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 3, delete the words "filed of record" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 7, delete the words "to an order or an agreement"
- On page 2 of the engrossed bill, line 8, delete the words "filed of record" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 13, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 18, delete the word "Filing" and insert in lieu thereof the word "Recording"
- On page 2 of the engrossed bill, line 20, delete the word "filed" and insert in lieu thereof the word "recorded"
- On page 2 of the engrossed bill, line 24, delete the word "file" and insert in lieu thereof the word "record"
- On page 2 of the engrossed bill, line 30, delete the word "filed" and insert in lieu thereof the word "recorded"

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

SENATE AMENDMENTS TO HB 1165

- On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to the licensure of transient merchants; and to amend and reenact sections 51-04-02, 51-04-03, and 51-04-07 of the North Dakota Century Code, relating to the licensure of transient merchants; and to repeal section 51-04-02.1 of the North Dakota Century Code, relating to applications for multicounty transient merchant licenses."

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

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

51-04-02. Application for license. Any transient merchant desiring to engage in, do, or transact business by auction or otherwise, in any county in this state, shall file an application for a license for that purpose with ~~the auditor of that county, or with the attorney general~~ as provided in section ~~51-04-02-1~~ 51-04-07, which shall be in writing and include the following:

1. Applicant's name, present residence, present home address, ~~and present business address, and current telephone numbers.~~
2. Applicant's residence and business address for the prior two-year period, if different from the present residence and address.
3. Type of business in which applicant has been engaged in the previous two years.
4. Proposed location of the business to be licensed.
5. Kind of business to be conducted.
6. Length of time desired or estimated for completion of sale in the ~~county~~ state.
7. Name and address of the auctioneer, if any, who will conduct the sale.
8. An itemized list of merchandise to be offered for sale reciting as to each item a description thereof including serial number, if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.

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

51-04-03. License fee - Bond or cash surety - License issuance. An applicant for a transient merchant's license shall pay to the ~~treasurer of the county of application~~ attorney general a license fee of twenty-five dollars and shall give a surety bond, or the deposit of cash in lieu thereof, ~~to the county in an amount to be determined by the county treasurer~~ which shall be not less than one thousand dollars nor more than ~~twenty~~ fifty thousand dollars, the surety on

which shall be a surety company authorized to transact business in the state of North Dakota. The contents and surety therein shall be subject to the approval of the ~~county treasurer~~ attorney general, and be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned upon full compliance with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. The bond shall not be revocable nor terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the ~~county auditor~~ attorney general.

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

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

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

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

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

51-04-07. Service of process.

1. A transient merchant may not engage in any temporary business, or be licensed by any

city, without first having complied with this section.

2. Prior to the issuance of a transient merchant license and approval of his bond, the applicant shall in writing appoint the county auditor, or the attorney general where the attorney general has issued the license, his agent to accept service of process in any action or proceeding involving the applicant and arising out of the sale for which the license is sought. Such action shall be brought in the county where the sale was held.
3. Each transient merchant required by the attorney general to do so shall appoint an agent in this state who is a resident of this state. The agent shall accept service of process on behalf of the transient merchant in any suit filed against the transient merchant and the agent is responsible for processing any warranty, claim, or merchandise sold by the transient merchant.
4. The name and street address of the agent must be filed with the attorney general's office. In addition, the name and address of the agent must be furnished in writing to each person purchasing an item from the transient merchant along with a written statement that the agent is the proper person to accept service of process in any suit filed against the vendor, and is the proper person to process any warranty claim.

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

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

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1336

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 39-21-39 of the North Dakota Century Code, relating to unobstructed motor vehicle windshields."

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

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

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

And renumber the lines and pages accordingly

SENATE FLOOR AMENDMENTS TO HB 1336

In section 1, line 9, delete the word "driver's"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1373

On page 19, line 20, overstrike the words "four percent" and insert immediately thereafter the words "a rate determined by the county commissioners but shall not exceed the prime rate", and after the word "annum" add the words "as established by the Bank of North Dakota for the month immediately preceding the month in which the contract was entered into"

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1337

- On page 2 of the engrossed bill, line 28, after the word "exists" and before the comma insert the words "and that the county commission desires to use the recommendations of the committee"
- On page 3 of the engrossed bill, line 5, after the word "affected" and before the period insert the words "or the vacancy may be filled by appointment by the commissions. The appointment shall continue only until the next general election, when the office shall be filled by election for the remainder of the term"
- On page 3 of the engrossed bill, line 9, after the word "appointment" insert the words ". The appointment may, but need not, be made"
- On page 4 of the engrossed bill, line 32, delete the words "must follow the requirements" and insert in lieu thereof the words "may utilize the provisions"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1420

- On page 3 of the engrossed bill, line 21, delete the words "attorney general" and insert in lieu thereof the word "governor"
- On page 3 of the engrossed bill, line 29, delete the words "The board shall also"
- On page 3 of the engrossed bill, delete line 30
- On page 4 of the engrossed bill, line 33, after the word "personnel" insert the words ". All rules adopted by the attorney general and appeals therefrom, shall be in accordance with chapter 28-32"
- On page 9 of the engrossed bill, line 28, after the word "chapter." insert the sentence "Any decision made by the attorney general under section 43-30-12 is governed by chapter 28-32."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1440

- On page 1 of the engrossed bill, line 6, after the word "transactions" insert the words "; and to repeal section 34-01-19 of the North Dakota Century Code relating to employment discrimination"
- On page 2 of the engrossed bill, line 30, after the word "employer" insert the words "is responsible for its acts and those of its supervisory employees if it"

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

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

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

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

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

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

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1460

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

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

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1516

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school district evaluation, renewal, or discharge of superintendents of school districts.

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

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

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

1. The term "superintendent" as used in this section includes district superintendents of schools and chief administrators of multidistrict special education units and multidistrict vocational education centers.
2. At least once during the course of every school year the school board of each school district shall conduct a formal and written evaluation of the performance of the superintendent employed by the district, which shall be provided to the superintendent. The written evaluation of a superintendent's performance must include recommendations with respect to all subject areas within which the school board considers the performance to be unsatisfactory. Descriptions provided by the governing body of unsatisfactory performance must provide in reasonable detail the basis for its assessment of the unsatisfactory performance.
3. Upon adoption by the board of an unfavorable recommendation of a superintendent based upon an evaluation conducted pursuant to this section, the governing body shall deliver a copy of the evaluation to the superintendent.
4. The superintendent, upon receipt of an unfavorable evaluation, may respond in writing to the substance and content of the

evaluation, and such a response shall become a permanent attachment to the superintendent's personnel file. The school board shall meet with the superintendent to discuss the unfavorable evaluation no later than April fifteenth of each year.

5. Throughout the term of a contract between a school district and a superintendent, the superintendent shall be subject to discharge for good and just causes, provided however, that the school board may not arbitrarily or capriciously require the superintendent's dismissal.
6. In the event that a school district governing body intends to discharge a superintendent, the superintendent shall be served with a detailed and written description of the reasons given by the school board for the proposed dismissal. Following service of the written description of the reasons for proposed dismissal, the superintendent shall be granted a hearing before the governing body for which reasonable advance notice shall be required.
7. The superintendent may then produce such witnesses as may be necessary to refute charges made by the board against the superintendent or reasons given by the board for its proposal to discharge the superintendent, and such witnesses are subject to cross-examination.
8. All procedures relative to evidence, subpoena of witnesses, oaths, record of testimony, decision, rehearing, appeals, certification of record, scope and procedure for appeals, and appeals to the supreme court shall be conducted in accordance with the provisions of sections 28-32-06, 28-32-07, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, 28-32-19, 28-32-20, and 28-32-21. The meeting shall be conducted in an executive session of the board, unless both the school board and the superintendent agree that the meeting shall be open to the public.

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1519

- On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "57-38-35.1" insert the following: "and 57-38-61"
- On page 1 of the engrossed bill, line 2, after the word "to" insert the word "minimum"
- On page 1 of the engrossed bill, line 9, after the word "Application" insert the words "of refunds"
- On page 1 of the engrossed bill, line 10, overstrike the words "income tax"

On page 1 of the engrossed bill, line 12, overstrike the words "shall exceed one dollar" and insert immediately thereafter the words "including interest, is at least five dollars"

On page 1 of the engrossed bill, line 13, overstrike the word "income"

On page 1 of the engrossed bill, line 15, overstrike the words "exceeds one dollar" and insert immediately thereafter the words "is at least five dollars"

On page 1 of the engrossed bill, line 27, overstrike the word "No"

On page 2 of the engrossed bill, overstrike lines 1 and 2

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

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

57-38-61. Provisions of chapter applicable. The provisions of sections 57-38-34, 57-38-38, 57-38-39, 57-38-40, 57-38-44, 57-38-45, 57-38-46, 57-38-47, 57-38-52, 57-38-53, 57-38-54, 57-38-55, 57-38-56, and 57-38-57 shall, insofar as consistent therewith, govern the administration of sections 57-38-58, 57-38-59, and 57-38-60. The term "employer" as used in sections 57-38-58, 57-38-59, and 57-38-60 shall also mean "taxpayer" as used in this chapter. ~~No refund shall be made by the tax commissioner to a taxpayer unless the amount to be refunded shall exceed one dollar.~~ In addition, the authority of the tax commissioner to prescribe rules and regulations shall include the authority to make such agreements with the United States government or any of its agencies as are necessary to provide for the deducting and withholding of tax from the wages of federal employees in the state of North Dakota."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1605

On page 1 of the engrossed bill, line 14, overstrike the word "December" and insert immediately thereafter the word "January", and delete the numerals "1982" and insert in lieu thereof the numerals "1983"

On page 1 of the engrossed bill, line 27, after the word "adopted" insert the words "in those instances where"

the minimum investment by the lessor is less than one hundred percent"

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

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1670

On page 2 of the engrossed bill, line 7, after the word "with" insert the words "written or oral", and delete the word "adduced" and insert in lieu thereof "presented", and delete the word "with" and insert in lieu thereof the word ". All"

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

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

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1701

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 1 of section 39-04-19, subsections 2 and 3 of section 39-12-04, and section 57-54.1-12 of the North Dakota Century Code, relating to trip permit fees, height and length limitations for vehicles, and occasional trip permits.

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

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

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

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

2. a. A height of thirteen feet six inches [4.11 meters], whether loaded or unloaded, ~~except that such.~~ This height limitation ~~shall~~ does not affect any present structure such as bridges and underpasses that are not thirteen feet six inches [4.11 meters] in height.
- b. The limitation in subdivision a does not apply to vehicles that are at most fifteen feet six inches [4.72 meters] high when all of the following apply:
 - (1) The vehicle is an implement of husbandry and is being moved by a resident farmer, rancher, or dealer.
 - (2) The trip is at most forty miles [64.40 kilometers].
 - (3) The trip is between sunrise and sunset.
 - (4) None of the trip is on an interstate highway.
3. A length limitation as follows:
 - a. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of ~~forty~~ fifty feet [~~12-19~~ 15.24 meters].
 - b. A combination of two units including the load thereon shall not exceed a length of ~~sixty-five~~ seventy-five feet [~~19-81~~ 22.86 meters].
 - c. A combination of three or four units including the load thereon shall not exceed a length of ~~sixty-five~~ seventy-five feet [~~19-81~~ 22.86 meters]. Combinations of three units are permissible only as follows:
 - (1) A truck tractor and semitrailer may draw a trailer or semitrailer.

- (2) A motor vehicle may draw three motor vehicles attached thereto by a triple saddle mount method.
 - (3) Two implements of husbandry may be towed by a truck or farm tractor operated by resident farmers between sunrise and sunset at a speed limit not to exceed twenty-five miles (40.23 kilometers) per hour. The two-implement-of-husbandry limit shall not apply to a packer-grain drill combination or to other combinations of implements of husbandry which the commissioner determines by rule are consistent with public highway safety.
 - (4) A truck may draw two trailers, subject to any rules adopted by the commissioner that are consistent with public highway safety, subject to any rules adopted by the commissioner that are consistent with public highway safety. The rules shall not apply to a three-unit combination consisting of a truck tractor and semitrailer drawing a trailer or semitrailer.
- d. A combination of two ~~or~~, three, or four units including the load thereon may be operated on and over all four-lane divided highways and those highways in the state designated by the commissioner and shall not exceed a length of seventy-five one hundred ten feet [22.86 33.53 meters], subject to any rules adopted by the commissioner that are consistent with public highway safety.
- e. Length limitations shall not apply to:
- (1) Building moving equipment.
 - (2) Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.

- (3) Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
- (4) Structural material of telephone, power, and telegraph companies.
- (5) Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of fifty-six feet [17.07 meters].
- (6) A truck tractor and semitrailer or truck tractor, semitrailer and the trailer when operated on the interstate highway system or parts of the federal aid primary system as designated by the commissioner, only when federal law requires the exemption.

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

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

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3036

On page 1, line 2, after the first word "the" insert the words "impact of, and", and in the same line after the word "from" insert a comma

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

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

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

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that Representative Unhjem is in the hospital for emergency surgery.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1730, HB 1731, HCR 3028, HCR 3090

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 2108: Reps. Cullickson, A. Meier, Kretschmar

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2175

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2184

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2206

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

HB 1253, HB 1278, HB 1530

REP. G. MARTIN, Chairman

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

SECOND READING OF A SENATE BILL

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

Which has been read.

MOTIONS

REP. MUSHIK MOVED that the House waive the reading of the title to SB 2067, which motion prevailed.

REP. BACKES MOVED that the House stand in recess until 10:45 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

MOTION

REP. KRETSCHMAR MOVED the previous question on SB 2067, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1963 and 1964, the roll was called and there were 77 YEAS, 26 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gullickson; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lardy; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nowatzki; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Backes; Black; Brokaw; Erdman; Gorder; Gunsch; Halmrast; Hanson, O.; Kuchera; Larson, B.; Linderman; Meier, A.; Meiers, R.; Melby; Murphy; O'Connell; Olafson; Olsen, D.; Olson, A.; Retzer; Shide; Solberg; Stofferahn; Wentz; Williams, C.

ABSENT AND NOT VOTING: Lang; Nicholas; Unhjem

SB 2067 passed and the title was agreed to.

MOTIONS

REP. GERL MOVED that the House reconsider its action whereby SB 2172 failed to pass, which motion prevailed.

REP. S. F. HOFFNER MOVED that SB 2172 be rereferred to the Committee on Industry, Business, and Labor, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2172 was rereferred to the Committee on Industry, Business, and Labor.

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.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1924, the roll was called and there were 69 YEAS, 35 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Boyle; Conmy; DeMers; Eagles; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riley; Sanstead; Schneider; Schoenwald; Sinner; Stofferahn; Strinden; Swiontek; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Brokaw; Dotzenrod; DuBord; Erdman; Gorder; Gunsch; Hanson, O.; Haugland; Keller; Kent; Kingsbury; Kuchera; Lloyd; Melby; Meyer, R.; Meyer, W.; Murphy; O'Connell; Olsen, D.; Olson, A.; Opedahl; Peterson; Retzer; Rice; Riehl; Rued; Schindler; Shide; Shockman; Solberg; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Lang; Unhjem

SB 2249 passed and the title was agreed to.

MESSAGES FROM THE SENATE
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 4054

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 1184, HCR 3075

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3089

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1008, HB 1010, HB 1013, HB 1016, HB 1018, HB 1025, HB 1028, HB 1029, and HB 1035 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1008

On page 1 of the engrossed bill, line 14, delete the numerals "337,130" and insert in lieu thereof the numerals "357,130"

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

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

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

Although the salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are

affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984.

SENATE AMENDMENTS TO HB 1010

- On page 1 of the engrossed bill, line 2, after the word "Dakota" and before the period insert the words "and providing for state employee salary limitations"
- On page 1 of the engrossed bill, line 15, delete the numerals "11,151,271" and insert in lieu thereof the numerals "11,126,271"
- On page 1 of the engrossed bill, line 18, delete the numerals "5,897,125" and insert in lieu thereof the numerals "5,802,125"
- On page 1 of the engrossed bill, line 19, delete the numerals "29,999,600" and insert in lieu thereof the numerals "29,879,600"
- On page 1 of the engrossed bill, line 21, delete the numerals "8,947,706" and insert in lieu thereof the numerals "8,827,706"
- On page 1 of the engrossed bill, after line 28, insert the following new section:

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

balance shall be reduced to a lesser percentage in accordance with office of management and budget guidelines. Compensation adjustment levels established for employees paid from the general fund also apply to employees paid from other funds."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

SENATE AMENDMENTS TO HB 1013

On page 1 of the engrossed bill, line 17, delete the numerals "383,837" and insert in lieu thereof the numerals "300,000"

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

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

SENATE AMENDMENTS TO HB 1016

On page 1 of the engrossed bill, line 13, delete the numerals "280,870" and insert in lieu thereof the numerals "299,070"

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

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

"Data processing 1,550"

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

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

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

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

SENATE AMENDMENTS TO HB 1018

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "and providing for state employee salary limitations"

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

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

SENATE AMENDMENTS TO HB 1025

- On page 1 of the engrossed bill, line 15, delete the numerals "1,297,676" and insert in lieu thereof the numerals "1,313,676"
- On page 1 of the engrossed bill, line 17, delete the numerals "2,330,224" and insert in lieu thereof the numerals "2,346,224"
- On page 1 of the engrossed bill, line 18, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,357,577"
- On page 1 of the engrossed bill, line 19, delete the numerals "995,647" and insert in lieu thereof the numerals "988,647"
- On page 1 of the engrossed bill, line 27, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,357,577"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The operating expenses line item is increased by \$23,000 from other funds to reinstate funds to allow the Economic Development Commission to contract with Pride Industries to prepare tourism packets. Operating expenses are decreased by \$7,000 from the general fund since moneys in the appropriation for rent can be reduced because the commission will be moving to the Capitol grounds.

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

SENATE AMENDMENTS TO HB 1028

- On page 1 of the engrossed bill, line 15, delete the numerals "2,374,113" and insert in lieu thereof the numerals "2,438,951"
- On page 1 of the engrossed bill, line 19, delete the numerals "13,767,511" and insert in lieu thereof the numerals "13,832,349"
- On page 1 of the engrossed bill, line 20, delete the numerals "4,367,674" and insert in lieu thereof the numerals "4,432,512"
- On page 2 of the engrossed bill, line 18, delete the numerals "4,045,212" and insert in lieu thereof the numerals "4,110,050"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

SENATE AMENDMENTS TO HB 1029

- On page 1 of the engrossed bill, line 13, delete the numerals "52,093,661" and insert in lieu thereof the numerals "52,438,069"
- On page 1 of the engrossed bill, line 14, delete the numerals "41,591,389" and insert in lieu thereof the numerals "50,792,089"
- On page 1 of the engrossed bill, line 15, delete the numerals "1,251,966" and insert in lieu thereof the numerals "1,547,266"
- On page 1 of the engrossed bill, line 16, delete the numerals "6,299,567" and insert in lieu thereof the numerals "6,439,217"
- On page 1 of the engrossed bill, line 17, delete the numerals "2,855,150" and insert in lieu thereof the numerals "3,589,150"

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

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

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Highway Department

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

The operating expenses are increased by \$9,200,700 from other funds to provide \$200,700 to carry out the provisions of Senate Bill No. 2373 and \$9,000,000 to carry out the provisions of Senate Bill No. 2062, relating to the creation of a central management system for state motor vehicles.

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

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

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

SENATE AMENDMENTS TO HB 1035

On page 1 of the engrossed bill, line 17, delete the numerals "75,000" and insert in lieu thereof the numerals "275,000"

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

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The contingency line item of the Teachers' Fund for Retirement is increased by \$200,000 to provide additional funds for investment money manager fees upon approval of the Emergency Commission.

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

Very respectfully,
LEO LEIDHOLM, Secretary

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 23, 1983

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

Dear Madam Speaker:

This is to inform you that on March 23, 1983, I signed HB 1712.

Sincerely,

ALLEN I. OLSON
Governor

MOTION

REP. BACKES MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Fifty-fourth

day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2091, line 32, after the word "bill" delete "as amended"

On page 2091, line 33, delete "on pages 1982 and 1983 of the House Journal"

On page 2105, line 5, after the word "the" delete the word "general" and insert in lieu thereof the words "agriculturally derived fuel tax"

On page 2105, line 7, delete "\$600,000" and insert in lieu thereof "\$540,000"

REP. LAUGHLIN, Chairman

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4054: A concurrent resolution directing the Legislative Council to determine whether the state, through Medicaid reimbursements, is paying the full and reasonable costs of Medicaid patient-related care in skilled and intermediate care facilities, and to study means to improve the Medicaid reimbursement formula which will provide those facilities with incentives to accomplish efficient management, cost containment, and equal charges to Medicaid and private pay patients.

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1253, HB 1278, HB 1530

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE HOUSE CHAMBER

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

HB 1253, HB 1278, HB 1530

Very respectfully,
CHARLES FLEMING, Chief Clerk

SECOND READING OF A SENATE BILL

SB 2251: A BILL for an Act to confirm and approve the preliminary designs for the southwest pipeline project and

to authorize the construction of the southwest pipeline project; to empower the state water commission to operate and maintain the southwest pipeline project and distribute water through the southwest pipeline project to water user entities, including municipalities, rural water associations, and other water user entities; to provide for the deposit of revenues from the sale of water from the southwest pipeline project; to create funds for operation and maintenance of the southwest pipeline project and replacement of the southwest pipeline project; 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 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Gorder; Halmrast

ABSENT AND NOT VOTING: Olafson; Olsen, D.; Olson, A.; Peterson; Unhjem

SB 2251 passed and the title was agreed to.

MOTION

REP. BACKES MOVED that the House consider only SB 2197, SB 2019, SB 2092, and SB 2144 on the Sixth order of business today, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. HJELLE MOVED that the amendments to Engrossed SB 2197 as recommended by the Committee on Transportation as printed on pages 1976-1982 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to Engrossed SB 2019 as recommended by the Committee on Appropriations as printed on page 2099 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to Reengrossed SB 2092 as recommended by the Committee on Appropriations as printed on page 2101 of the House Journal be adopted, which motion prevailed.

REP. HJELLE MOVED that the amendments to SB 2144 as recommended by the Committee on Transportation as printed on page 1972 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILLS

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, the roll was called and there were 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Olsen, D.; Rued

ABSENT AND NOT VOTING: Backes; Melby; Peterson;
Strinden; Thompson; Unhjem

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

SB 2268: A BILL for an Act to amend and reenact subsection 3 of section 16.1-08-02, subsection 1 of section 16.1-08.1-01, and sections 16.1-08.1-02, 16.1-08.1-03 and 16.1-08.1-04 of the North Dakota Century Code, relating to the reporting of campaign contributions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 59 YEAS, 39 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Conmy; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gullickson; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Opedahl; O'Shea; Rayl; Richard; Riley; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Swiontek; Timm; Vander Vorst; Wentz; Williams, A.; Williams, C.; Wold; Speaker Kelly

NAYS: Anderson, C.; Aubol; Black; Boyle; DeMers; Erdman; Gorder; Gunsch; Halmrast; Hanson, O.; Hoffner, Serenus; Koski; Kretschmar; Kuchera; Lang; Lardy; Linderman; Meier, A.; Mertens; Meyer, R.; Mushik; O'Connell; Olafson; Olsen, D.; Olson, A.; Peltier; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riehl; Rued; Schindler; Shide; Stofferahn; Vig; Watne; Whalen; Williams, W.

ABSENT AND NOT VOTING: Backes; Brokaw; Hoffner, S. F.; Kingsbury; Peterson; Strinden; Thompson; Unhjem

SB 2268 passed and the title was agreed to.

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, House Journal pages 1888 and 1889, the roll was called and there were 84 YEAS, 17 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Black; Eagles; Gorder; Gunsch; Hanson, O.; Hughes; Keller; Kingsbury; Kloubec; Koehn; Kuchera; Lang; Larson, B.; Melby; Mertens; Olsen, D.; Rued

ABSENT AND NOT VOTING: Martin, C.; Peterson; Sinner; Unhjem; Whalen

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

MOTION

REP. MERTENS MOVED that SB 2044 and SB 2354 be returned to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2044 and SB 2354 were returned to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

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, House Journal page 1993, the roll was called and there were 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Black; Gorder; Hill; Rued

ABSENT AND NOT VOTING: Martin, C.; Meiers, R.; Peterson; Strinden; Unhjem

SB 2306 passed and the title was agreed to.

SB 2313: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the definition of a farmer and the exemption of a farm residence from taxation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1925, the roll was called and there were 67 YEAS, 33 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Dotzenrod; Erdman; Gates; Goetz; Gullickson; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Keller; Kent; Knudson; Koehn; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Linderman; Lipsiea; Lloyd; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea;

Peltier; Pomeroy, E.; Pomeroy, G.; Rice; Richard;
 Riehl; Rued; Schoenwald; Shide; Shockman; Sinner;
 Solberg; Stofferahn; Vander Vorst; Vig; Watne;
 Williams, A.; Williams, C.; Williams, W.

NAYS: Black; Conmy; DeMers; DuBord; Eagles; Gunsch;
 Halmrast; Hausauer; Hughes; Jacobson; Kingsbury;
 Kloubec; Koski; Larson, R.; Lautenschlager; Martin, G.;
 Meiers, R.; Moore; Nalewaja; Opedahl; Rayl; Retzer;
 Riley; Sanstead; Schindler; Schneider; Swiontek;
 Thompson; Timm; Wentz; Whalen; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Gerl; Gorder; Martin, C.;
 Peterson; Strinden; Unhjem

SB 2313 passed and the title was agreed to.

SB 2322: A BILL for an Act to amend and reenact subsection 23 of section 20.1-01-02 and sections 20.1-01-17 and 20.1-01-19 of the North Dakota Century Code, relating to the definition of established road or trail and hunting on private land.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1997, the roll was called and there were 85 YEAS, 11 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy;
 Dotzenrodt; DuBord; Erdman; Gates; Gerl; Goetz;
 Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.;
 Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus;
 Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent;
 Kloubec; Knudson; Koski; Lang; Lardy; Larson, B.;
 Larson, R.; Laughlin; Lautenschlager; Linderman;
 Lipsiea; Martin, G.; Martinson; Meier, A.; Meiers, R.;
 Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik;
 Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson;
 Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.;
 Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley;
 Sanstead; Schindler; Schneider; Schoenwald; Shide;
 Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm;
 Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Black; DeMers; Hamerlik; Koehn;
 Kretschmar; Kuchera; Lloyd; Murphy; Peltier; Rued

ABSENT AND NOT VOTING: Eagles; Gorder; Kingsbury;
Martin, C.; Peterson; Richard; Shockman; Strinden;
Unhjem; Wold

SB 2322 passed and the title was agreed to.

MOTION

REP. HUGHES MOVED that SB 2332 be moved four bills down on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2345: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to a beginning farmer loan guarantee program to be administered by the Bank of North Dakota; and to repeal sections 54-17-29, 54-17-30, and 54-17-31 of the North Dakota Century Code, relating to an industrial commission loan guarantee program for seller-sponsored loans between landowners and beginning farmers, the procedure on default of a guaranteed loan, and the establishment and maintenance of an adequate guarantee fund through an appropriation from the lands and minerals trust.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 83 YEAS, 15 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle;
Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl;
Goetz; Gullickson; Gunsch; Halmrast; Hamerlik;
Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill;
Hjelle; Hoffner, Serenus; Horgan; Jacobson; Keller;
Kent; Knudson; Koehn; Koski; Lang; Lardy; Larson, B.;
Larson, R.; Laughlin; Lautenschlager; Linderman;
Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.;
Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.;
Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell;
Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.;
Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Sanstead;
Schindler; Schneider; Schoenwald; Shide; Sinner;
Solberg; Stofferahn; Swiontek; Timm; Vander Vorst; Vig;
Watne; Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Wold; Speaker Kelly

NAYS: Black; Conmy; Hoffner, S. F.; Hughes; Kingsbury;
Kloubec; Kretschmar; Kuchera; Moore; Murphy; Olafson;
Peltier; Rued; Strinden; Thompson

ABSENT AND NOT VOTING: Eagles; Gorder; Martin, C.;
Peterson; Richard; Riley; Shockman; Unhjem

SB 2345 passed and the title was agreed to.

SB 2355: A BILL for an Act to provide an appropriation to the state board for vocational education for the purpose of making payments to school districts participating in a multidistrict vocational center.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 76 YEAS, 23 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Conmy; Gullickson; Gunsch; Hanson, O.; Kloubec; Larson, R.; Lipsiea; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Shide; Strinden; Swiontek; Thompson; Timm; Whalen

ABSENT AND NOT VOTING: Eagles; Gorder; Martin, C.; Peterson; Richard; Shockman; Unhjem

SB 2355 passed and the title was agreed to.

SB 2373: A BILL for an Act to create and enact two new subsections to section 39-01-01, a new subsection to section 39-06.1-10, a new section to chapter 39-08, and two new sections to chapter 39-20 of the North Dakota Century Code, relating to penalty and punishment for operating a motor vehicle while under the influence of intoxicating liquor or controlled substances and to law enforcement procedures; to amend and reenact section 27-20-51, subsection 5 of section 27-20-54, subsection 5 of section 39-06-17, subsection 2 of section 39-06-23, section 39-06-33.1, subsections 1 and 2 of section 39-06-35,

sections 39-06-36, 39-06-42, 39-06-43, section 39-06.1-07, subdivision b of subsection 3 and subsection 4 of section 39-06.1-10, sections 39-06.1-11, 39-07-07, 39-07-10, 39-07-11, 39-08-01, 39-20-01, 39-20-04, 39-20-05, 39-20-06, 39-20-07, 39-20-09, and 40-18-01 of the North Dakota Century Code, relating to reporting juvenile offenses, penalty and punishment for operating a motor vehicle while under the influence or for driving in violation of license suspension, revocation, or restriction, testing for blood alcohol concentration, interpretation of tests, issuing of notification forms to arrested drivers, and law enforcement, judicial, and administrative procedures; and to repeal section 39-06-29.1 of the North Dakota Century Code, relating to the authority to suspend operator's licenses of juveniles.

Which has been read.

MOTION

REP. MUSHIK MOVED that the House waive the reading of the title to SB 2373, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1998-2002, the roll was called and there were 91 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Gerl; Hausauer; Meier, A.; Mertens; Meyer, R.; Meyer, W.; Murphy; Riehl; Rued; Sanstead; Timm

ABSENT AND NOT VOTING: Eagles; Hanson, L.; Unhjem

SB 2373 passed and the title was agreed to.

MOTION

REP. BACKES MOVED that the House stand in recess until 3:45 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

SPECIAL ORDER OF BUSINESS

REP. BACKES MOVED that the House be on a special order of business, which motion prevailed.

HOUSE MEMORIAL SERVICE

The memorial service guests were escorted to their special seating at the front of the House chamber.

Invocation was offered by Rev. Thomas Mitchell from the Christian Missionary Alliance Church, Bismarck.

"Hallelujah" and "Lord of My Life" were presented by the Jamestown High School Choir, Joe Banister, Director.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

The Committee on Memorial Resolutions introduced:

HMR 2: A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

MOTION

REP. BOYLE MOVED that the rules be suspended, that HMR 2 not be printed, be read in its entirety, not be referred to committee, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

The Committee on Memorial Resolutions introduced:

HOUSE MEMORIAL RESOLUTION NO. 2

A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

WHEREAS, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

C. W. "BILL" BAKER, who served in the Thirtieth through the Thirty-fourth Legislative Assemblies, from the twenty-ninth district, died March 14, 1982.

A. R. BERGESEN, who served in the Twenty-sixth through the Twenty-ninth Legislative Assemblies, from the ninth district, died February 1, 1982.

I. E. BRATCHER, who served in the Thirty-second through the Thirty-eighth Legislative Assemblies, from the forty-ninth district, died January 25, 1983.

EDMUND G. BUECHLER, who served in the Thirty-seventh Legislative Assembly, from the thirty-third district, died January 1, 1983.

RALPH CHRISTENSEN, who served in the Forty-third through the Forty-sixth Legislative Assemblies, from the thirty-sixth district, died April 16, 1982.

DUNCAN C. CUNNINGHAM, who served in the Twenty-third and Twenty-fourth Legislative Assemblies, from the seventh district, died July 25, 1981.

WILLIAM A. ERICKSON, who served in the Thirty-eighth through the Forty-second Legislative Assemblies, from the fourth district, died July 23, 1981.

BERNHARD "BEN" GUSTAFSON, who served in the Forty-fourth Legislative Assembly, from the eighteenth district, died November 9, 1982.

ARTHUR C. LANGSETH, who served in the Thirtieth through the Thirty-fourth Legislative Assemblies, from the thirty-second district, died February 8, 1982.

CLARENCE A. LARSEN, who served in the Thirty-third Legislative Assembly, from the twenty-second district, died March 18, 1983.

GORDON MATHENY, who served in the Forty-first, Forty-third, Forty-fourth, Forty-sixth, and Forty-seventh Legislative Assemblies, from the eighth district, died December 27, 1982.

HENRY A. PETTERSON, who served in the Thirty-fourth and Thirty-fifth Legislative Assemblies, from the thirty-seventh district, died January 24, 1983.

J. L. RAILE, who served in the Forty-second Legislative Assembly, from the thirtieth district, died December 6, 1982.

IRWIN A. REITEN, who served in the Thirty-eighth Legislative Assembly, from the seventeenth district, died August 1, 1981.

ROBERT C. SANNES, who served in the Twenty-third Legislative Assembly, from the forty-first district, died November 26, 1981.

FRANK S. SHABLOW, who served in the Thirty-seventh through the Thirty-ninth and the Forty-second Legislative Assemblies from the eighteenth district, died July 12, 1981.

DON L. SHORT, who served in the Thirty-fifth Legislative Assembly, from the thirty-ninth district, died May 10, 1982.

JOHN A. STORMON, who served in the Thirty-first and Thirty-second Legislative Assemblies, from the nineteenth district, died May 3, 1981.

HARLEY R. SWANSON, who served in the Twenty-seventh Legislative Assembly, from the twelfth district, died February 9, 1982.

EARL "BUCK" TOUGH, who served in the Thirty-fourth through the Thirty-ninth Legislative Assemblies, from the twenty-sixth district, died June 20, 1982.

A. W. "ART" WENTZ, who served in the Thirty-ninth Legislative Assembly, from the thirty-fifth district, died August 6, 1981.

WHEREAS, today, we, as members of the House of Representatives of the Forty-eighth Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contribution to their fellowmen and their communities;

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

That we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the journal of the House of Representatives and that duly enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 2: A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

Which has been read.

The question being on the final adoption of the memorial resolution.

HMR 2 was declared adopted on a voice vote

Representative Schoenwald introduced the family members of the deceased former Representatives.

Representative Stofferahn led the Assembly in singing "God Bless America".

"A Parting Blessing" was presented by the Jamestown High School Choir.

Benediction was offered by Rev. Thomas Mitchell.

MOTION

REP. BACKES MOVED that the Special Order of Business be dissolved and that the House stand in recess for fifteen minutes, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken with Speaker Kelly presiding.

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.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 2002-2005, the roll was called and there were 56 YEAS, 39 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Conmy; Dotzenrod; DuBord; Goetz; Gorder; Gunsch; Hamerlik; Hill; Hughes; Kent; Kingsbury; Kloubec; Knudson; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Lipsiea; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Retzer; Rice; Riehl; Riley; Schindler; Shide; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Watne; Wentz; Whalen; Williams, C.; Wold

NAYS: Black; Brokaw; DeMers; Erdman; Gates; Gerl; Gullickson; Halmrast; Haugland; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koehn; Koski; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Martinson; Meier, A.; Mushik; O'Connell; Pomeroy, E.; Pomeroy, G.; Rayl;

Richard; Sanstead; Schneider; Schoenwald; Shockman;
Solberg; Vig; Williams, A.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Hanson, L.; Hanson, O.;
Hausauer; Lardy; Martin, C.; Mertens; Nowatzki; Rued;
Sinner; Unhjem

SB 2394 passed and the title was agreed to.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1253, HB 1278, HB 1530

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2004, SB 2316, SB 2351

Very respectfully,
LEO LEIDHOLM, Secretary

REQUEST

REP. STRINDEN REQUESTED that the record show that Representative
Eagles was absent yesterday afternoon and is absent a portion of
this afternoon because of illness, which request was granted.

SECOND READING OF SENATE BILLS

SB 2332: A BILL for an Act to create and enact a new subsection
to section 57-02-08.1 of the North Dakota Century Code,
relating to the homestead credit and farm structures exempt
from taxation; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,
House Journal page 1925, the roll was called and there were
32 YEAS, 65 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Black; Conmy; Gates; Goetz; Halmrast; Hamerlik;
Hughes; Kent; Kloubec; Koehn; Kretschmar; Kuchera;
Larson, R.; Linderman; Lipsiea; Martinson; Moore;
Nalewaja; Nicholas; Peltier; Pomeroy, G.; Rayl; Rice;
Riley; Schneider; Strinden; Swiontek; Timm;
Vander Vorst; Wentz; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gorder; Gullickson; Gunsch; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury; Knudson; Koski; Lang; Larson, B.; Laughlin; Lautenschlager; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Murphy; Mushik; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Retzer; Richard; Riehl; Sanstead; Schindler; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Thompson; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Eagles; Hanson, L.; Hausauer; Lardy; Martin, C.; Mertens; Rued; Sinner; Unhjem

SB 2332 was declared lost.

SB 2402: A BILL for an Act to create a Racketeer Influenced and Corrupt Organizations Act providing definitions, offenses, civil remedies, judicial powers, investigation of records, and confidentiality; and to provide penalties.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 2005 and 2006, the roll was called and there were 54 YEAS, 42 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Boyle; Brokaw; Dotzenrod; Gates; Gorder; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Lang; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Retzer; Rice; Riley; Schindler; Shide; Shockman; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.

NAYS: Anderson, C.; Aubol; Backes; Black; Conmy; DeMers; DuBord; Erdman; Gerl; Gullickson; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Kretschmar; Kuchera; Larson, B.; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Mushik; O'Connell; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Solberg; Stofferahn; Vig; Williams, W.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Goetz; Hanson, L.;
Hausauer; Lardy; Martin, C.; Mertens; Rued; Sinner;
Unhjem

SB 2402 passed and the title was agreed to.

MOTIONS

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

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 9:00 a.m., Thursday, March 24, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2009 has had the same under consideration and recommends by a vote of 16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 18, delete the numerals "29,809,040" and insert in lieu thereof the numerals "30,511,444"
- On page 1 of the engrossed bill, line 23, delete the numerals "43,669,884" and insert in lieu thereof the numerals "44,372,288"
- On page 1 of the engrossed bill, line 24, delete the numerals "22,925,751" and insert in lieu thereof the numerals "23,241,832"
- On page 1 of the engrossed bill, line 25, delete the numerals "20,744,133" and insert in lieu thereof the numerals "21,130,456"
- On page 1 of the engrossed bill, line 28, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,373,572"
- On page 2 of the engrossed bill, line 1, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,373,572"
- On page 2 of the engrossed bill, line 4, delete the numerals "9,369,835" and insert in lieu thereof the numerals "9,583,055"

- On page 2 of the engrossed bill, line 9, delete the numerals "12,956,310" and insert in lieu thereof the numerals "13,169,530"
- On page 2 of the engrossed bill, line 10, delete the numerals "5,238,858" and insert in lieu thereof the numerals "5,374,892"
- On page 2 of the engrossed bill, line 11, delete the numerals "7,717,452" and insert in lieu thereof the numerals "7,794,638"
- On page 2 of the engrossed bill, line 12, delete the numerals "32,735,020" and insert in lieu thereof the numerals "33,298,666"
- On page 2 of the engrossed bill, line 13, delete the numerals "28,164,609" and insert in lieu thereof the numerals "28,616,724"
- On page 2 of the engrossed bill, line 14, delete the numerals "60,899,629" and insert in lieu thereof the numerals "61,915,390"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

The salaries and wages line item is increased by \$702,404, of which \$386,323 is from the general fund and \$316,081 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 \$334,089 is to be provided in a separate appropriation bill.

Grafton State School - Deinstitutionalization

The appropriation is increased by \$100,137 from the general fund. 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 \$33,502 is to be provided in a separate appropriation bill.

San Haven

The salaries and wages line item is increased by \$213,220, of which \$77,186 is from the general fund and \$136,034 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 \$89,546 is to be provided in a separate appropriation bill.

REP. MERTENS, Chairman

Engrossed SB 2009 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2013 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 2, delete the words "and providing for"

On page 1 of the engrossed bill, line 3, delete the words "state employee salary limitations"

On page 1 of the engrossed bill, line 15, delete the numerals "31,493,700" and insert in lieu thereof the numerals "32,197,422"

On page 1 of the engrossed bill, line 18, delete the numerals "427,809" and insert in lieu thereof the numerals "802,809"

On page 1 of the engrossed bill, line 19, delete the numerals "1,942,140" and insert in lieu thereof the numerals "2,292,140"

On page 1 of the engrossed bill, line 20, delete the numerals "40,524,936" and insert in lieu thereof the numerals "41,953,658"

On page 1 of the engrossed bill, line 22, delete the numerals "29,194,423" and insert in lieu thereof the numerals "30,623,145"

On page 2 of the engrossed bill, delete lines 3 through 21 and insert in lieu thereof the following new section:

"SECTION 3. TRANSFER - AUTHORIZATION. An amount not to exceed one million dollars included in section 1 of this Act is to be available to the state hospital for ongoing operations or to the department of human services for the purpose of establishing and operating facilities for the chronically mentally ill. The funds shall be allocated to the state hospital or the department of human services upon approval of the governor. Upon such approval, the office of management and budget is authorized to

transfer positions from the state hospital to the department of human services."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Hospital

The salaries and wages line item is increased by \$703,722 from the general fund. 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 \$296,263 is to be provided in a separate appropriation bill.

The equipment line item is increased by \$375,000 from the general fund to provide funds for the purchase of a firetruck.

The capital improvements line item is increased by \$350,000 from the general fund to provide funds for Phase I of the steam tunnel distribution system.

A new section is added to allow up to \$1 million to be transferred from Section 1 of this bill to the Department of Human Services for establishing and operating facilities for the chronically mentally ill.

REP. MERTENS, Chairman

Engrossed SB 2013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2027 has had the same under consideration and recommends by a vote of 17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 17, delete the numerals "2,068,155" and insert in lieu thereof the numerals "2,113,259"

On page 1 of the engrossed bill, line 23, delete the numerals "3,578,467" and insert in lieu thereof the numerals "3,623,571"

On page 1 of the engrossed bill, line 25, delete the numerals "3,178,467" and insert in lieu thereof the numerals "3,223,571"

On page 2 of the engrossed bill, after line 13, insert the following new section:

"SECTION 3. APPROPRIATION. The superintendent of the North Dakota state historical board shall be authorized to offer up to \$50,000 of the operating expenses line item appropriated in subdivision 1 of section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and match from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby appropriated to the state historical board for the development of the exhibits at the heritage center."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the State Historical Board is increased by \$45,104 from the general fund. 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 \$18,941 is to be provided in a separate appropriation bill.

The amendment also authorizes the superintendent to offer \$50,000 to the North Dakota Humanities Council, Inc., in anticipation of receiving matching moneys from the National Endowment for the Humanities to be used for the development of exhibits at the Heritage Center.

REP. MERTENS, Chairman

Engrossed SB 2027 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2032 has had the same under consideration and recommends by a vote of 19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and providing for residential preferences"

On page 2 of the engrossed bill, line 1, delete the word "headquarters" and insert in lieu thereof the words "permanent office"

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

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

"SECTION 4. Preference required for residents. A resident is entitled to preference over a nonresident for the award of any contracts under this Act to the extent the nonresident's home jurisdiction grants a preference to bidders who are residents of that jurisdiction over bidders who are not residents of that jurisdiction. If a nonresident bidder can be considered a resident of more than one jurisdiction, the home jurisdiction to be used for comparison is the one that gives its residents the most preference."

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The House amendments to Section 3, which was added by the Senate, are to provide equal opportunity to all engineering and architectural firms presently operating in North Dakota. The new section would give resident bidders the same preference as given to resident bidders in their home states.

REP. MERTENS, Chairman

Engrossed SB 2032 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2036 has had the same under consideration and recommends by a vote of 13 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

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

On page 1 of the engrossed bill, line 15, delete the numerals "120,000" and insert in lieu thereof the numerals "200,000"

On page 1 of the engrossed bill, line 16, delete the numerals "120,000" and insert in lieu thereof the numerals "200,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for defraying the expenses of the court-ordered monitor is increased by \$80,000 from the

general fund and is to be in effect as of January 1, 1983, rather than July 1, 1983.

REP. MERTENS, Chairman

Engrossed SB 2036 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred SB 2331 has had the same under consideration and recommends by a vote of 17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

In addition to the amendments to Senate Bill No. 2331 adopted by the House as found in the House Journal on page 1793, Senate Bill No. 2331 is amended as follows:

On page 1, line 25, after the word "exceptional" insert the word "academic"

On page 3, line 3, delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines accordingly

REP. MERTENS, Chairman

SB 2331 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2342 has had the same under consideration and recommends by a vote of 19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 7, delete the words "; and to provide an"

On page 1 of the engrossed bill, line 8, delete the words "effective date"

On page 5 of the engrossed bill, line 4, overstrike the words "Sixty percent shall be allocated to the state school aid"

On page 5 of the engrossed bill, overstrike lines 5 through 22

On page 5 of the engrossed bill, line 23, overstrike the numeral "2.", remove the overstrike over the word "Ten" and delete the word "Fifteen"

On page 5 of the engrossed bill, line 24, delete the words "by this Act"

On page 6 of the engrossed bill, line 22, overstrike the numeral "3." and insert immediately thereafter the numeral "2.", and delete the word "Twenty-five" and insert in lieu thereof the word "Ninety"

On page 6 of the engrossed bill, delete lines 24 and 25

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment would leave the Resources Trust Fund allocation at 10% and removes the conflict that this bill had with HB 1724. HB 1724 eliminates the 60% dedication of the oil extraction tax for education and places it instead in the general fund.

REP. MERTENS, Chairman

Engrossed SB 2342 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2001 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

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

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2002 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

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

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2020 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

Engrossed SB 2020 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2038 has had the same under consideration and recommends by a vote of 18 YEAS, 1 NAY, 2 ABSENT AND NOT

VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

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

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2276 has had the same under consideration and recommends by a vote of 19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

REP. MERTENS, Chairman

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

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk