

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SIXTY-SECOND DAY

Bismarck, April 5, 1983

The House convened at 8:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Representative Gorder.

ROLL CALL

The roll was called and all members were present, except Representatives DuBord, Eagles, Gerl, Gunsch, Kloubec, Laughlin, R. Meiers, Nalewaja, 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 Sixty-first day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 9:30 a.m., which motion prevailed.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2219 whereby the conference committee was unable to agree, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2219: Sens. Lodoen, Reiten, Matchie

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

REPORTS OF PROCEDURAL COMMITTEE

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

HB 1003, HB 1269, HB 1333, HB 1701

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 8:36 a.m., April 5, 1983:

HB 1478

REP. G. MARTIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1003, HB 1269, HB 1333, HB 1701

CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1539 and HB 1643 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1539

In lieu of the amendments to engrossed HB 1539 printed on pages 1620 and 1621 of the Senate Journal, that HB 1539 be amended as follows:

- On page 1 of the engrossed bill, line 22, after the word "~~the~~" and before the period insert the words "from July 1, 1983, through June 30, 1985. After June 30, 1985, the rate of tax imposed under this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 1 of the engrossed bill, line 26, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed", and delete the words "less than"
- On page 1 of the engrossed bill, line 27, delete the words "the tax imposed"
- On page 2 of the engrossed bill, line 15, after the word "user" and before the comma insert the words "from July 1, 1983, through June 30, 1985"
- On page 2 of the engrossed bill, line 21, after the period insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 2 of the engrossed bill, line 24, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed"
- On page 2 of the engrossed bill, line 25, delete the words "less than the tax imposed"
- On page 3 of the engrossed bill, line 13, after the word "user" and before the comma insert the words "from July 1, 1983, through June 30, 1985"
- On page 3 of the engrossed bill, line 19, after the word "~~the~~" insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."

- On page 3 of the engrossed bill, line 22, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 3 of the engrossed bill, line 23, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, line 12, after the word "state" and before the period insert the words "from July 1, 1983, through June 30, 1985"
- On page 4 of the engrossed bill, line 13, after the word "the" insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 4 of the engrossed bill, line 17, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 4 of the engrossed bill, line 18, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, delete lines 28 through 35 and insert in lieu thereof the following:

"SECTION 5. Partial distribution to townships. For taxes collected from July 1, 1983, through June 30, 1985, the tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by this Act to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury. The state treasurer shall quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the miles [kilometers] of township roads in each county compared to the miles [kilometers] of all township roads in the state. To receive any funds under this section, organized townships must provide equal matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide equal matching funds based on the miles [kilometers] of township roads in each such organized township compared to the miles [kilometers] of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county has no organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the number of miles [kilometers] of roads in unorganized

townships compared to the number of miles [kilometers] of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide equal matching funds shall be returned to the state treasurer who shall deposit such funds in the highway tax distribution fund."

On page 5 of the engrossed bill, delete lines 1 through 10

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1539

In lieu of the amendments to engrossed HB 1539 adopted by the Senate as found on pages 1831-1833 of the Senate Journal, engrossed House Bill No. 1539 is amended as follows:

On page 1 of the engrossed bill, line 26, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed", and delete the words "less than"

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

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

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

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

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

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

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

On page 4 of the engrossed bill, delete lines 28 through 35 and insert in lieu thereof the following:

"SECTION 5. Partial distribution to townships. From July 1, 1983, through June 30, 1985, the tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by this Act to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury. The state treasurer shall quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the miles [kilometers] of township roads in each county compared to the miles [kilometers] of all township roads in the state. To receive any funds under this section, organized townships must provide equal matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide equal matching funds based on the miles [kilometers] of township roads in each such organized township compared to the miles [kilometers] of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county has no organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the number of miles [kilometers] of roads in unorganized townships compared to the number of miles [kilometers] of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide equal matching funds shall be returned to the state treasurer who shall deposit such funds in the highway tax distribution fund."

On page 5 of the engrossed bill, delete lines 1 through 10
And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1643

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 3 of section 16.1-08-02 of the North Dakota Century Code and sections 16.1-08.1-02 and 16.1-08.1-03 of the North Dakota Century Code as amended by sections 3 and 4 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, relating to the reporting of campaign contributions.

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

SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for herein shall file a statement listing all contributions received in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, showing the name and mailing address of each contributor of an amount in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, and a listing of all disbursements made for political purposes, no later than October fifteenth of each calendar year with the office of secretary of state. Within thirty days of the close of the calendar year all political committees shall file a supplemental statement in the same form for the last three months of the calendar year.
- a. The form of all statements required by this chapter shall be as prescribed by the secretary of state.
- b. The secretary of state may arrange an audit of any statement filed pursuant to this chapter. The secretary of state shall arrange an audit of any statement that the attorney general requests to be audited. The results of the audit shall be reported to the attorney general.
- c. Records and statements shall be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and shall be open to public inspection.

SECTION 2. AMENDMENT. Section 16.1-08.1-02 of the North Dakota Century Code as contained in section 3 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

16.1-08.1-02. Statement required of candidates - Contents - Additional statements. Any candidate for a public office at any general, primary, or special

election, or any candidate who sought a public office or is seeking a public office and who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section. The statement shall contain a detailed statement of all contributions received from each individual or a political committee which exceed one hundred dollars in the aggregate for the calendar year.

The statement shall include the name and mailing address of all contributors listed. All statements filed pursuant to this section shall be consecutive and, taken together, shall cover the entire calendar year's receipts up through the cutoff date for each statement. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period shall be aggregated for the purposes of the statements required by this chapter.

The statement required of a candidate shall be filed with the secretary of state no later than ~~4:00~~ four p.m. on the tenth day prior to the date of the general, primary, or special election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the fifteenth day prior to the date of the general, primary, or special election. A complete statement for the entire calendar year shall be filed no later than ~~4:00~~ four p.m. on the ~~fifteenth~~ thirtieth day of January of the following calendar year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report shall be filed no later than ~~4:00~~ four p.m. on the next business day on which the office of the secretary of state is open.

The form of all statements required by this chapter shall be as prescribed by the secretary of state. Statements of a legislative candidate shall be filed in the office of the county auditor of the candidate's county of residence under the same limitations as apply to the filing of statements with the secretary of state. Statements of state office candidates and any other required statements shall be filed in the office of the secretary of state.

No candidate shall be required to file any statement required by this chapter if the candidate has not received any contributions in excess of one hundred dollars during the calendar year.

SECTION 3. AMENDMENT. Section 16.1-08.1-03 of the North Dakota Century Code as contained in section 4 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party which receives contributions in excess of one hundred dollars and which contributes money to a candidate in excess of one hundred dollars shall, within fifteen days of the close of the calendar year, do one of the following:

1. File a statement listing the total amount contributed to or expended on behalf of a candidate or candidates.
2. File a statement containing a detailed list of all contributions received from an individual or political committee which exceed one hundred dollars in amount. The statement shall include the name and mailing address of all contributors listed.

Any such statement shall be filed with the secretary of state no later than ~~4:00~~ four p.m. on the ~~fifteenth~~ thirtieth day of January following the close of the calendar year which is the subject of the statement. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement shall be filed on the next available day on which the office of the secretary of state is open."

And renumber the lines and pages accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1001 and HCR 3028 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1001

On page 1 of the engrossed bill, line 15, delete the numerals "1,724,645" and insert in lieu thereof the numerals "1,645,343"

- On page 1 of the engrossed bill, line 16, delete the numerals "2,643,642" and insert in lieu thereof the numerals "2,572,944"
- On page 1 of the engrossed bill, line 20, delete the numerals "4,449,433" and insert in lieu thereof the numerals "4,299,433"
- On page 1 of the engrossed bill, line 24, delete the numerals "1,465,964" and insert in lieu thereof the numerals "1,315,964"
- On page 1 of the engrossed bill, line 26, delete the numerals "3,415,236" and insert in lieu thereof the numerals "3,265,236"
- On page 1 of the engrossed bill, line 27, delete the numerals "7,864,669" and insert in lieu thereof the numerals "7,564,669"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Legislative Assembly

The salaries and wages line item is reduced by \$79,302 to adjust salaries for legislators and legislative employees. The adjustment provides funds for a Forty-ninth Legislative Assembly session of 90 calendar days.

The operating expenses line item is reduced by \$70,698. The reduction provides expense reimbursement for legislators for a session of 90 calendar days and reduces mileage reimbursement from 25¢/mile to 20¢/mile.

Legislative Council

The operating expenses line item is reduced by \$150,000. This reduction consists of \$45,400 to maintain meals and lodging reimbursement at the current rates; \$46,000 to reduce mileage reimbursement for 25¢/mile to 20¢/mile and \$58,600 to reflect adjustments to the interim committee structure.

SENATE AMENDMENTS TO HCR 3028

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1367

Very respectfully,
LEO LEIDHOLM, Secretary

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2020:

Reps. Mushik, Horgan, Unhjem

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2037:

Reps. Opedahl, Mertens, Kuchera

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2039:

Reps. Lardy, Boyle, Gunsch

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2040:

Reps. Lardy, G. Martin, Peterson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2044:

Reps. Mushik, Mertens, Kuchera

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that the Conference Committee on SB 2219 was dissolved, and that the following new Conference Committee was appointed:

Reps. O'Connell, Lloyd, Black

MOTION

REP. MARTINSON MOVED that the House reconsider its action, whereby it concurred with the Senate amendments to HB 1429, and that the House now does not concur in the Senate amendments to HB 1429, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

SPEAKER KELLY APPOINTED as a Conference Committee on HB 1429:

Reps. R. Meyer, Watne, Martinson

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., April 5, 1983:

HB 1189, HB 1432, HB 1445, HB 1559, HB 1641, HB 1695

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 10:28 a.m., April 5, 1983:

HB 1725

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., April 5, 1983:

HB 1582, HB 1618

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:28 a.m., April 5, 1983:

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

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 10:32 a.m., April 5, 1983:

HCR 3018, HCR 3069, HCR 3073, HCR 3076, HCR 3077, HCR 3083,
HCR 3084

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 10:32 a.m., April 5, 1983:

HCR 3020, HCR 3087

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 10:32 a.m., April 5, 1983:

HCR 3036, HCR 3086

REP. G. MARTIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGES TO THE SENATE HOUSE CHAMBER

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

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

SB 2226: Sens. Peterson, Bakewell, Miller Heinrich

SB 2277: Sens. Leibhan, Erickson, Waldera

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HCR 3029 which the Senate has amended as follows:

SENATE AMENDMENTS TO HCR 3029

On page 1, delete lines 8 and 9 and insert in lieu thereof the words "This amendment creates five new sections to article IV of the North Dakota Constitution establishing basic procedures for the operation of the legislative assembly. It further provides that all meetings of the legislative assembly and its committees be open and public, and provides a method for the legislative assembly to propose constitutional amendments to be submitted to the voters for approval or disapproval. The"

On page 1, line 17, delete the numeral "20" and insert in lieu thereof the following: "20 and 21 and sections 25"

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

On page 2, line 4, delete the word "exclusively"

On page 3, line 4, delete the word "separate"

On page 3, line 28, delete the words "or breach of"

On page 3, line 29, delete the words "the peace"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO ENGROSSED HCR 3029

On page 4 of the engrossed resolution, line 1, after the first word "any" insert the word "other."

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SCR 4058, SCR 4059, SCR 4060

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3090

Very respectfully,
LEO LEIDHOLM, Secretary

RECOGNITION

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

MOTION

REP. BACKES MOVED that the rules be suspended and that all bills passed on the Sixty-first legislative day be messaged to the Senate immediately, which motion prevailed.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1052: Reps. Richard, Aubol, Hughes

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1370, HB 1647

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HCR 3096

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SCR 4057

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2002, SB 2016, SB 2038, SB 2276, SB 2354

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House stand in recess until 2:30 p.m., which motion prevailed.

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

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:35 p.m., April 5, 1983:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 2:38 p.m., April 5, 1983:

HCR 3011, HCR 3026, HCR 3044, HCR 3068, HCR 3071, HCR 3079,
HCR 3082

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 2:38 p.m., April 5, 1983:

HCR 3089, HMR 2

REP. G. MARTIN, Chairman

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

MOTIONS

REP. BACKES MOVED that the rules be suspended, that immediately following consideration of amendments to each bill on Sixth order today, that each bill be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. BACKES MOVED that consideration of amendments to SB 2309 be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to HB 1732 as recommended by the Committee on Finance and Taxation as printed on page 2383 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1732: A BILL for an Act to amend and reenact sections 57-35-04, 57-35.1-01, and 57-35.2-02 of the North Dakota Century Code, relating to tax on banks and trust companies, and building and loan associations; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; 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; 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; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard;
 Riehl; Riley; Rued; Sanstead; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Sinner; Solberg;
 Stofferahn; Swiontek; Thompson; Timm; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Backes; Gorder; Koski; Olafson;
 Strinden; Unhjem; Vander Vorst

HB 1732 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2095 as recommended by the Committee on Appropriations as printed on pages 2360-2362 of the House Journal be adopted, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 57-50-01, 57-50-03.1, and 57-50-05 of the North Dakota Century Code; and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 66 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; Knudson; Koski; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Sanstead; Schindler; Shockman; Solberg; Stofferahn; Thompson; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Black; Conmy; Eagles; Gates; Goetz; Hamerlik; Haugland; Hughes; Kloubec; Koehn; Kretschmar; Kuchera; Larson, R.; Martinson; Meiers, R.; Moore; Murphy; Nalewaja; Nicholas; Olsen, D.; Peltier; Richard; Riley; Rued; Schneider; Schoenwald; Slide; Sinner; Strinden; Swiontek; Timm; Unhjem; Wentz; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Gorder; Olafson; Olson, A.

SB 2095 passed and the title was agreed to.

RECOGNITION

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

SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to Engrossed SB 2313 as recommended by the **Committee on Finance and Taxation** as printed on pages 2369 and 2370 of the House Journal be adopted. Representative Sinner requested the unanimous consent of the House to amend the amendments to SB 2313. There being no objection, Representative Sinner moved that, in the proposed language following the period on line 31 of page 3 of the engrossed bill, the word "paragraph" be substituted for the word "subsection", which motion prevailed.

The question being on the motion to adopt the amendments to SB 2313, as amended, the motion prevailed.

SECOND READING OF SENATE BILL

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, the roll was called and there were 53 YEAS, 49 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Hill; Hjelle; Hoffner, S. F.; Jacobson; Knudson; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Richard; Riehl; Schindler; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Vander Vorst; Vig; Watne; Williams, A.; Williams, C.; Williams, W.

NAYS: Conmy; DeMers; Eagles; Gates; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Horgan; Hughes; Keller; Kent; Kingsbury; Kloubec; Koehn; Koski; Lardy; Lautenschlager; Lipsiea; Martinson; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Peterson; Pomeroy, G.; Rayl; Retzer; Rice; Riley; Rued; Sanstead; Schneider; Shide; Swiontek; Thompson; Timm; Unhjem; Wentz; Whalen; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Gorder; Kuchera; Peltier; Strinden

SB 2313 failed for lack of a Constitutional majority.

MESSAGES FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2003, SB 2006, SB 2007, SB 2008, and SB 2009, and the President has appointed as a conference committee to act with a like committee from the House on:

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2036: Sens. Thane, Naaden, Heigaard
SB 2227: Sens. Lips, Thane, Walsh
SB 2244: Sens. Bakewell, Vosper, Barth

SB 2276: Sens. Peterson, Nelson, Miller Heinrich

SB 2354: Sens. Holmberg, Stenehjem, Maixner

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

REP. R. MEIERS MOVED that the House reconsider its action whereby SCR 4003 was defeated.

REQUEST

REP. LARDY REQUESTED a recorded roll call vote on the motion to reconsider SCR 4003, which request was granted.

ROLL CALL

The question being on the motion to reconsider SCR 4003, the roll was called and there were 46 YEAS, 57 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Conmy; DeMers; Dotzenrod; Eagles; Gerl; Gunsch; Hamerlik; Hoffner, Serenus; Hoffner, S. F.; Hughes; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Moore; Mushik; Nalewaja; Nicholas; Opedahl; Peltier; Rice; Riley; Sanstead; Schneider; Sinner; Solberg; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Wold; Speaker Kelly

NAYS: Backes; Black; Boyle; Brokaw; DuBord; Erdman; Gates; Goetz; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Horgan; Jacobson; Keller; Kent; Kingsbury; Kuchera; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Meyer, R.; Murphy; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Rued; Schindler; Schoenwald; Shide; Shockman; Stofferahn; Thompson; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gorder; Meyer, W.; Retzer

So the motion to reconsider SCR 4003 failed to pass.

MESSAGES FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1473 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1473

In lieu of the amendments to House Bill No. 1473 adopted by the Senate as found on page 1506 of the Senate Journal, and

in lieu of all other previous Senate amendments to House Bill No. 1473, House Bill No. 1473 is amended as follows:

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

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

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

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

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

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

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

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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

Very respectfully,
LEO LEIDHOLM, Secretary

MOTION

REP. BACKES MOVED that immediately following consideration of the conference committee reports, where appropriate, the bills be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REPORT OF SELECT COMMITTEE

REP. G. POMEROY MOVED that the conference committee report on HB 1203 as printed on pages 2394 and 2395 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact subsection 1 of section 38-08-08 of the North Dakota Century Code, relating to pooling of unleased mineral interest owners.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Gorder; Kent; Martinson; Retzer; Solberg

HB 1203 passed and the title was agreed to.

REPORT OF SELECT COMMITTEE

REP. SCHOENWALD MOVED that the conference committee report on HB 1336 as printed on page 2395 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL 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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 73 YEAS, 27 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Backes; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olson, A.; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schneider; Schoenwald; Shide; Sinner; Stofferahn; Strinden; Swiontek; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Wold; Speaker Kelly

NAYS: Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; Gerl; Gunsch; Hanson, O.; Hill; Hoffner; Serenus; Hughes; Kingsbury; Kuchera; Lardy; Meier, A.; Meiers, R.; Murphy; Olsen, D.; O'Shea; Peltier; Schindler; Shockman; Thompson; Timm; Whalen; Williams, W.

ABSENT AND NOT VOTING: Gorder; Kent; Koski; Kretschmar; Retzer; Solberg

HB 1336 passed and the title was agreed to.

REPORT OF SELECT COMMITTEE

REP. SCHOENWALD MOVED that the conference committee report on HB 1400 as printed on pages 2396 and 2397 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1400: A BILL for an Act to amend and reenact section 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts and computation of interest due at time of repayment; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 76 YEAS, 25 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Riley; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Gunsch; Hamerlik; Hanson, O.; Hughes; Kingsbury; Lang; Lardy; Lipsiea; Melby; Murphy; Nalewaja; Olsen, D.; Olson, A.; Peltier; Rayl; Retzer; Rice; Rued; Schindler; Shide; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Gorder; Hill; Kent; Richard; Riehl

HB 1400 passed and the title was agreed to.

REPORT OF SELECT COMMITTEE

REP. MUSHIK MOVED that the conference committee report on HB 1421 as printed on pages 2397 and 2398 of the House Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1421: A BILL for an Act to establish a North Dakota centennial commission, to set forth its powers and duties, to provide for payment of commissioners' expenses, and to provide for termination of the commission; to provide an appropriation; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; 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; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: DeMers; Kingsbury; Murphy; Retzer; Rued

ABSENT AND NOT VOTING: Corder; Hill; Kent; Richard

HB 1421 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1387 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2120 and 2121 of the House Journal and that Engrossed HB 1387 be amended as follows:

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

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

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

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

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

And renumber the lines and pages accordingly

For the Senate: Sens. Holmberg, Stenehjelm, J. Meyer
 For the House: Reps. Nowatzki, Keller, Kretschmar

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

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to vacancies in the office of judge of county court and to a judicial nominating committee; and to amend and reenact section 27-07.1-03 of the North Dakota Century Code, relating to vacancies in the office of judge of the county court.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 102 YEAS, 2 NAYS, 2 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; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; 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; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjelm; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Sanstead; Wentz

ABSENT AND NOT VOTING: Hill; Kent

HB 1387 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1516 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on

pages 2123-2125 of the House Journal and that Engrossed HB 1516 be further amended as follows:

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

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

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

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

1. The term "superintendent" as used in this section includes district superintendents of schools and chief administrators of multidistrict special education units and multidistrict vocational education centers.
2. At least once before March first, the school board of each school district shall conduct a formal and written evaluation of the performance of the superintendent employed by the district, which shall be provided to the superintendent. The written evaluation of a superintendent's performance must include recommendations with respect to all subject areas within which the school board considers the performance to be unsatisfactory. The governing body must provide in reasonable detail the basis for its assessment of the unsatisfactory performance.
3. The superintendent, upon receipt of an evaluation, may respond in writing to the substance and content of the evaluation, and such a response shall become a permanent attachment to the superintendent's personnel file. The school board shall meet with the superintendent to discuss the evaluation.
4. Throughout the term of a contract between a school district and a superintendent, the superintendent shall be subject to

discharge for good and just causes, provided however, that the school board may not arbitrarily or capriciously require the superintendent's dismissal.

5. In the event that a school district governing body intends to discharge a superintendent, the superintendent shall be served with a detailed and written description of the reasons given by the school board for the proposed dismissal. Following service of the written description of the reasons for proposed dismissal, the superintendent shall be granted a hearing before the governing body for which reasonable advance notice shall be required. If a superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation must be incurred by the superintendent.
6. The superintendent may then produce such witnesses as may be necessary to refute charges made by the board against the superintendent or reasons given by the board for its proposal to discharge the superintendent, and such witnesses are subject to cross examination.
7. All procedures relative to evidence, subpoena of witnesses, oaths, record of testimony, decision, rehearing, appeals, certification of record, scope and procedure for appeals, and appeals to the supreme court shall be conducted in accordance with the provisions of sections 28-32-06, 28-32-07, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, 28-32-19, 28-32-20, and 28-32-21. The meeting shall be conducted in an executive session of the board, unless both the school board and the superintendent agree that the meeting shall be open to the public.
8. The superintendent may be represented at the meeting by two representatives of the superintendent's own choosing, and the superintendent's spouse, or one other family member of the superintendent's choice, may also attend the meeting if the superintendent so desires.

9. In addition to board members and the school district clerk, the school board may be represented by two other representatives of its own choosing at the executive session.
10. If the superintendent so requests, the superintendent shall be granted a continuance by the board not to exceed seven days unless good cause for a longer continuance is shown.
11. No cause of action for libel or slander shall accrue from any statement expressed either orally or in writing at an executive session of the school board held for the purposes provided for in this section.
12. If a school district fails to provide notification to a superintendent in writing between March first and May first of each year that the school board intends not to renew the superintendent's contract, the district shall be deemed to have renewed the contract for a period of one year extending from the termination date set forth in the existing contract. If a school district provides notification to the superintendent in writing before May first of its intent not to renew the superintendent's contract, the school board shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent request such a meeting."

And renumber the lines and pages accordingly

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

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

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

SECOND READING OF HOUSE BILL

HB 1516: A BILL 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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 80 YEAS, 22 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kloubec; Knudson; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Unhjem; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Aubol; Backes; Gorder; Gunsch; Hanson, O.; Hughes; Kingsbury; Koehn; Kuchera; Lang; Laughlin; Melby; Murphy; Peltier; Rued; Schindler; Thompson; Timm; Vander Vorst; Watne; Whalen

ABSENT AND NOT VOTING: Hill; Horgan; Kent; Solberg

HB 1516 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3094: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a fund for loans to farmers funded privately by earnings from mineral royalties.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3094 was declared adopted on a voice vote.

HCR 3095: A concurrent resolution directing the Legislative Council to study secured transaction laws as they relate to the sales and purchases by merchants and buyers of secured farm products in an effort to establish a legal relationship between merchants and buyers of farm products and lending institutions with security interests in those farm products which is equitable to all parties.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3095 was declared adopted on a voice vote.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4058: A concurrent resolution directing the Legislative Council to conduct a study of state laws on small claims court.

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

SCR 4059: A concurrent resolution directing the Legislative Council to study the ownership of real property in this state by nonprofit organizations and the relation of nonprofit organizations to taxation and discrimination in housing.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Holmberg and Rep. Kingsbury introduced:

(Approved by the Committee on Delayed Bills)

SCR 4060: A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program.

MOTION

REP. BACKES MOVED that the rules be suspended, that SCR 4060 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.

Sen. Holmberg and Rep. Kingsbury introduced:

SENATE CONCURRENT RESOLUTION NO. 4060

A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program.

WHEREAS, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine Family Medicine and Internal Medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the Doctor of the Day during the Forty-eighth Legislative Session; and

WHEREAS, more than 300 legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling, and medications at no charge; and

WHEREAS, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Hospital Pharmacy, the Bismarck Pharmacy, the Quain and Ramstad Clinic, and the State Department of Health have all provided services, equipment, or supplies to the Doctor of the Day medical services room;

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

That thanks and appreciation be expressed to the physicians and other personnel, and to the health care groups and businesses which have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1983 Doctor of the Day Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the University of North Dakota School of Medicine Family Medicine and Internal Medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Hospital Pharmacy, the Bismarck Pharmacy, the Quain and Ramstad Clinic, and the State Department of Health.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4060: A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4060 was declared adopted on a voice vote.

MOTION

REP. BACKES MOVED that the rules be suspended, that all bills, where the conference committee reports were adopted and subsequently passed today, be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE HOUSE CHAMBER

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

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

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

HB 1731

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1474, HB 1617, HB 1730

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

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

REP. BACKES MOVED that the House stand adjourned until 8:00 a.m., Wednesday, April 6, 1983, which motion prevailed.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk