

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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SIXTY-THIRD DAY

Bismarck, April 6, 1983  
The Senate convened at 8:00 a.m., with President Sands presiding.

The prayer was offered by Rev. Tom Smith, Bismarck Reformed Church, Bismarck.

Let us pray. Our Father in heaven, You have given this world many gifted people. We thank You for these people today who are entrusted with the matters of government. We know that You are the God of all wisdom and we pray that You will give a measure of Your divine wisdom to these men and women who have been given this great responsibility. Father, watch over them, keep them today. Grant to them the knowledge and insight that they need to conduct the business of our state, in the name of our Lord and Saviour, we pray. Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. TWETEN, Chairman

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

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 9:30 a.m., which motion prevailed.

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

MESSAGES FROM THE HOUSE  
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 2226: Reprs. Serenus Hoffner, Lautenschlager, Schindler  
 SB 2277: Reprs. Halmrast, Hill, Swiontek

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

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

HB 1003, HB 1269, HB 1333, HB 1701

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:

SCR 4003

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1003, HB 1269, HB 1333, HB 1701

LEO LEIDHOLM, Secretary

#### MESSAGE TO THE HOUSE SENATE CHAMBER

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

HB 1003, HB 1269, HB 1333, HB 1701

Very respectfully,  
 LEO LEIDHOLM, Secretary

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate reconsider the action whereby a conference committee was appointed on SB 2187 and that the conference committee be dissolved, which motion prevailed.

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2187 as printed on page 1679 of the Senate Journal, which motion prevailed.

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2187 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2187: A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01, sections 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-11, 25-01.2-12, 25-01.2-14, and 25-01.2-18 of the North Dakota Century Code, relating to certain definitions, the rights of developmentally disabled persons residing in institutions or facilities, individualized education plans, and rulemaking authority.

Which has been read.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Lee

SB 2187 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2002 as printed on pages 2064-2066 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2002:

Sens. Lips, Thane, Tallackson

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2016 as printed on pages 2066 and 2067 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2016:

Sens. Tennefos, Naaden, Grotberg

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2027 as printed on pages 2036-2038 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2027:

Sens. Naaden, Tennefos, Stromme

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2038 as printed on pages 2068-2071 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2038:

Sens. Thane, Lips, Heigaard

SEN. PARKER MOVED that the Senate do not concur in the House amendments to SB 2173 as printed on page 1766 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2173:

Sens. Parker, Reiten, Kusler

## MOTION

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

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

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1007 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed House Bill No. 1007 adopted by the Senate as found on page 1756 of the Senate Journal, engrossed House Bill No. 1007 is amended as follows:

- On page 1 of the engrossed bill, line 14, delete the numerals "8,844,286" and insert in lieu thereof the numerals "8,401,376"
- On page 1 of the engrossed bill, line 18, delete the numerals "11,819,128" and insert in lieu thereof the numerals "11,376,218"
- On page 1 of the engrossed bill, line 19, delete the numerals "7,650,776" and insert in lieu thereof the numerals "7,787,737"
- On page 1 of the engrossed bill, line 20, delete the numerals "4,168,352" and insert in lieu thereof the numerals "3,588,481"
- On page 1 of the engrossed bill, line 22, delete the numerals "2,942,844" and insert in lieu thereof the numerals "2,842,321"
- On page 1 of the engrossed bill, line 25, delete the numerals "4,200,176" and insert in lieu thereof the numerals "4,099,653"
- On page 1 of the engrossed bill, line 26, delete the numerals "2,504,050" and insert in lieu thereof the numerals "2,537,319"
- On page 1 of the engrossed bill, line 27, delete the numerals "1,696,126" and insert in lieu thereof the numerals "1,562,334"
- On page 2 of the engrossed bill, line 2, delete the numerals "2,549,188" and insert in lieu thereof the numerals "2,404,283"
- On page 2 of the engrossed bill, line 7, delete the numerals "3,650,977" and insert in lieu thereof the numerals "3,506,072"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,363,433" and insert in lieu thereof the numerals "2,338,297"
- On page 2 of the engrossed bill, line 9, delete the numerals "1,287,544" and insert in lieu thereof the numerals "1,167,775"
- On page 2 of the engrossed bill, line 10, delete the numerals "7,152,022" and insert in lieu thereof the numerals "6,318,590"

- On page 2 of the engrossed bill, line 11, delete the numerals "12,518,259" and insert in lieu thereof the numerals "12,663,353"
- On page 2 of the engrossed bill, line 12, delete the numerals "19,670,281" and insert in lieu thereof the numerals "18,981,943"
- On page 2 of the engrossed bill, after line 17, insert the following new section:

"SECTION 3. SALARIES AND WAGES. The salaries and wages line items 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. Any amounts in the salaries and wages line items in excess of the provisions of HB 1010 may not be spent."

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Bismarck Junior College

The salaries and wages line item is reduced by \$442,910, of which \$325,224 is from the general fund and \$117,686 is from other funds.

The general fund appropriation is reduced by \$200,000, with a corresponding increase in estimated income, to delete general fund moneys provided by the House for a power plant technology program.

In addition, the general fund appropriation is reduced by \$54,647 (1.5 percent after the above adjustments) with a corresponding increase in estimated income.

Lake Region Community College

The salaries and wages line item is reduced by \$100,523, which includes a \$110,000 general fund decrease and a \$9,477 increase from other funds.

In addition, the general fund appropriation is reduced by \$23,792 (1.5 percent after the above adjustments) with a corresponding increase in estimated income.

UND - Williston

The salaries and wages line item is reduced by \$144,905, of which \$101,986 is from the general fund and \$42,919 is from other funds.

In addition, the general fund appropriation is reduced by \$17,783 (1.5 percent after the above adjustments) with a corresponding increase in estimated income.

SEN. LIPS, Chairman

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

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1733 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide an appropriation for medical insurance premiums for North Dakota state employees for the period beginning July 1, 1983, and ending June 30, 1985.

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

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or other income in the state treasury, not otherwise appropriated, as indicated to the named agencies, institutions, and enterprises of state government for the purpose of providing additional funds for medical insurance premiums for employees of the agencies, institutions, and enterprises for the period beginning July 1, 1983, and ending June 30, 1985:

Agencies, Institutions, Enterprises	General Fund	Special Funds	Total
State printing		\$ 2,021	\$ 2,021
Governor	\$ 3,452		3,452
Gaming enforcement division	1,722		1,722
Lieutenant governor	135		135
Secretary of state	3,084		3,084
Records management/ central microfilm	651		651
Office of management and budget	13,193	4,781	17,974
Central data processing		24,593	24,593
State auditor	10,727		10,727
State treasurer	1,817		1,817
Attorney general	18,620		18,620

State tax commissioner	26,345		26,345
Energy development impact office	492	492	984
Director of institutions	12,951		12,951
Motor vehicle department		8,155	8,155
Legislative council	8,719		8,719
Supreme court	13,946		13,946
Judicial qualifications commission	303	302	605
District court	43,222		43,222
Public employees retirement system		2,101	2,101
Public instruction, department of	7,385	11,077	18,462
Division of independent study	5,203		5,203
Board of higher education	4,048		4,048
State industrial school	15,852		15,852
University and school lands, commissioner of		3,696	3,696
University of North Dakota	260,288		260,288
UND - rehabilitation hospital		56,286	56,286
UND medical center North Dakota	96,059	24,015	120,074
state university	224,637		224,637
NDSU - state toxicologist	1,191	794	1,985
Upper Great Plains transportation institute		1,728	1,728
State school of science	86,137		86,137
Dickinson state college	35,595		35,595
Mayville state college	24,465		24,465
Minot state college	66,036		66,036
Valley City state college	31,880		31,880
School of forestry - Bottineau	12,952		12,952
Forest service	3,129	2,240	5,369
Educational broadcasting council	77		77
Library commission	4,111		4,111
School for the deaf	12,835		12,835
School for the blind	6,815		6,815
Teachers' fund for retirement		1,463	1,463
Vocational education	4,244	4,982	9,226
Health department	28,554	28,864	57,418
Grafton state school	134,384	33,596	167,980
Grafton - deinstitutionalization	16,845		16,845
San Haven state hospital	13,507	31,516	45,023

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State hospital - Jamestown	148,961		148,961
Soldiers' home	5,947		5,947
Indian affairs commission	708		708
Veterans' affairs department		1,288	1,288
Human services, department of	148,354	18,336	166,690
Governor's council on human resources	1,025		1,025
Insurance department		3,576	3,576
Unsatisfied judgment		192	192
Industrial commission		8,297	8,297
Labor department	1,224		1,224
Public service commission	11,175	3,529	14,704
Weather modification board	888		888
Aeronautics commission	381	950	1,331
Banking and financial institutions, department of	5,427		5,427
Securities commissioner	2,029		2,029
State laboratories	7,408		7,408
Bonding fund		166	166
Fire and tornado fund		673	673
Bank of North Dakota		22,935	22,935
Housing finance agency		3,646	3,646
Mill and elevator association		33,051	33,051
OASIS and social security		1,057	1,057
Job service North Dakota		90,245	90,245
Workmen's compensation bureau		12,892	12,892
Crime victims reparations	240		240
Parole board	5,914		5,914
Highway patrol	30,484	14,216	44,700
Radio communications	5,768		5,768
Disaster emergency services	1,293	3,166	4,459
Civil air patrol	110		110
Penitentiary	25,849		25,849
Roughrider industries		3,922	3,922
Adjutant general	3,461		3,461
Economic development commission	3,455	1,278	4,733
Agriculture commissioner	5,896	583	6,479
Predatory animal control	1,956		1,956
Milk stabilization board		1,172	1,172
Sunflower council		164	164
Seed department		6,604	6,604
Livestock sanitary board	1,451		1,451

Wheat commission		1,970	1,970
Cooperative extension service	60,248	15,797	76,045
Northern crops institute	677	572	1,249
Main experiment station	114,842		114,842
Dickinson experiment station	2,911		2,911
Central grasslands experiment station	1,040		1,040
Hettinger experiment station	910		910
Langdon experiment station	1,053		1,053
North Central experiment station	1,554		1,554
Williston experiment station	1,720		1,720
Carrington experiment station	2,801		2,801
Agronomy seed farm		928	928
Historical society	9,524		9,524
Council on the arts	711		711
Soil conservation committee	1,916		1,916
Geological survey		6,344	6,344
Game and fish department		24,767	24,767
Park service	7,123		7,123
Water commission	17,958		17,958
Highway department		222,728	222,728
Total	\$1,900,000	\$ 747,746	\$2,647,746

SECTION 2. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much thereof as may be necessary, to the office of management and budget for the purpose of making payments to the public employee retirement system for agencies which do not have sufficient funds to pay medical insurance premiums for the period beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides a portion of the funding for the medical insurance premiums for state employees for the 1983-85 biennium. It is the intent of the Legislative Assembly to provide, in addition to the amounts included in the executive budget, \$5,027,746 for employee medical

insurance premiums. Of this amount, \$2,647,746 is to be available pursuant to the provisions of this bill, and \$2,380,000 from the amounts appropriated to state agencies and institutions for salaries and wages. Also, an additional \$400,000 is appropriated in this bill to the Office of Management and Budget to assist agencies that do not have sufficient funds in their budgets to pay premiums. It is expected that the funding provided for medical insurance coverage will make it possible for the Public Employees Retirement Board to provide under an ASO contract coverage comparable to that provided during the current biennium.

SEN. LIPS, Chairman

HB 1733 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HCR 3092 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. REITEN, Chairman

HCR 3092 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2002, SB 2016, SB 2027, SB 2038, and SB 2173, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2002: Sens. Lips, Thane, Tallackson  
SB 2016: Sens. Tennefos, Naaden, Grotberg  
SB 2027: Sens. Naaden, Tennefos, Stromme  
SB 2038: Sens. Thane, Lips, Heigaard  
SB 2173: Sens. Parker, Reiten, Kusler

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGES FROM THE HOUSE  
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 2003: Reprs. Lardy, Rayl, Peterson  
 SB 2006: Reprs. Lardy, Horgan, Hausauer  
 SB 2007: Reprs. Mushik, Erdman, Thompson  
 SB 2008: Reprs. Sanstead, G. Martin, Kuchera  
 SB 2009: Reprs. Mushik, Erdman, Eagles  
 SB 2010: Reprs. Opedahl, Lardy, Lipsiea  
 SB 2011: Reprs. Boyle, Mushik, Eagles  
 SB 2012: Reprs. G. Martin, Boyle, Unhjem  
 SB 2013: Reprs. G. Martin, Erdman, Unhjem  
 SB 2014: Reprs. Solberg, Horgan, O. Hanson  
 SB 2015: Reprs. Opedahl, Boyle, Unhjem  
 SB 2021: Reprs. Opedahl, Rayl, Eagles  
 SB 2023: Reprs. Lardy, Rayl, Hausauer  
 SB 2024: Reprs. Horgan, Sanstead, O. Hanson  
 SB 2025: Reprs. Boyle, Solberg, Peterson  
 SB 2030: Reprs. Lardy, Mushik, Hausauer  
 SB 2031: Reprs. Rayl, G. Martin, Peterson  
 SB 2034: Reprs. Lardy, Rayl, Lipsiea  
 SB 2035: Reprs. Boyle, Sanstead, Thompson  
 SB 2036: Reprs. Mushik, Lardy, Unhjem  
 SB 2227: Reprs. G. Martin, Horgan, Peterson  
 SB 2244: Reprs. W. Meyer, Nowatzki, Koehn  
 SB 2276: Reprs. Jacobson, Serenus Hoffner, Swiontek

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

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

SB 2184, SB 2220, SB 2414, SB 2453, SB 2456, 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, 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 4006, SCR 4030, SCR 4043,  
 SCR 4053, SCR 4054

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2106 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1275 of the Senate Journal and that SB 2106 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the words "as provided in" and insert in lieu thereof the words "without charge under"

On page 1 of the engrossed bill, line 21, delete the word "these"

- On page 1 of the engrossed bill, line 22, after the first word "licenses" insert the words "issued without charge under this section", and delete the word "total"
- On page 1 of the engrossed bill, line 23, delete the word "each" and insert in lieu thereof the word "the", and after the word "proclamation" and before the comma insert the words "less any licenses which are otherwise designated to be issued with a charge under this section"
- On page 1 of the engrossed bill, line 24, after the word "licenses" insert the words "to be issued without charge"
- On page 1 of the engrossed bill, line 25, after the period insert the words "If the number of licenses prescribed for the district or unit in the governor's proclamation exceeds fifty and if the number of applications for these licenses exceeds the number of licenses prescribed for the district or unit in the governor's proclamation, then one-half of the licenses exceeding fifty will be issued by lottery as prescribed in the governor's proclamation and may not be issued to landowners without charge."

And renumber the lines and pages accordingly

For the Senate: Sens. Moore, Maixner, D. Meyer

For the House: Reps. L. Hanson, A. Meier, Kretschmar

SB 2106 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2219 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1452 of the Senate Journal.

For the Senate: Sens. Lodoen, Reiten, Matchie

For the House: Reps. O'Connell, Lloyd, Black

SB 2219 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

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

## REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing at the hour of 1:26 p.m., April 6, 1983:

SCR 4006, SCR 4030, SCR 4043, SCR 4053, SCR 4054  
SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:31 p.m., April 6, 1983:

SB 2184, SB 2196, SB 2220, SB 2414, SB 2453, SB 2456  
SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:31 p.m., April 6, 1983:

SB 2062, SB 2084, SB 2125, SB 2145, SB 2189, SB 2224,  
SB 2267, SB 2294, SB 2319, SB 2321, SB 2382, SB 2386,  
SB 2404, SB 2447, SB 2448, SB 2465, SB 2474  
SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:31 p.m., April 6, 1983:

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  
SEN. FRITZELL, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

April 6, 1983

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

Dear Mr. President:

This is to inform you that on March 18, 1983, I signed SB 2371.

Sincerely,

ALLEN I. OLSON  
Governor

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3096: A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota.

Was read the first time.

MOTION

SEN. ADAMS MOVED that the rules be suspended, that HCR 3096 as printed on pages 2381 and 2382 of the House Journal not be printed, not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3096: A concurrent resolution urging the Immigration and Naturalization Service and the United States Customs Service to support the continued maintenance and operation of U.S. ports of entry located at the cities of Neche, Sarles, Antler, Sherwood, Ambrose, Maida, Hannah, Hansboro, St. John, and Carbury, North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3096 was declared adopted on a voice vote.

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## SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4061: A concurrent resolution urging Congress to amend federal laws to limit federal court jurisdiction on cases involving state prison systems.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4061 was declared adopted on a voice vote.

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## CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate reconsider the action whereby a conference committee was appointed on SB 2354 and that the conference committee be dissolved, which motion prevailed.

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2354 as printed on pages 2073-2075 of the Senate Journal, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2354 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2354: A BILL for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, or in the alternative if House Bill No. 1729 does not become effective, to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2354 passed and the title was agreed to.

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MOTION

SEN. LEIBHAN MOVED that SB 2047 be placed at the foot of the Seventh order of business, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MOORE MOVED that the conference committee report on SB 2049 as printed on page 276 of the Senate Journal be adopted, which motion prevailed.

SEN. MOORE MOVED that the rules be suspended, that SB 2049 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2049: A BILL for an Act to amend and reenact subsection 2 of section 57-51-15 of the North Dakota Century Code, relating to maximum allocations of annual revenues to counties from the oil and gas gross production tax.

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 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Kusler; Maixner; Meyer, D.; Meyer, J.; Walsh

ABSENT AND NOT VOTING: None

SB 2049 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which SB 2049 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORTS OF CONFERENCE COMMITTEES

SEN. HOLMBERG MOVED that the conference committee report on SB 2066 as printed on page 1946 of the Senate Journal be adopted, which motion prevailed.

SEN. D. MEYER MOVED that the conference committee report on SB 2104 as printed on pages 1816 and 1817 of the Senate Journal be adopted, which motion prevailed.

SEN. D. MEYER MOVED that the rules be suspended, that SB 2104 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2104: A BILL for an Act to repeal section 20.1-01-27 of the North Dakota Century Code, relating to the disposition of animals injured or killed by motor vehicles.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2104 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which SB 2104 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on SB 2108 as printed on pages 1909 and 1910 of the Senate Journal be adopted, which motion prevailed.

SEN. PARKER MOVED that the rules be suspended, that SB 2108 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2108: A BILL for an Act to amend and reenact section 20.1-01-03 of the North Dakota Century Code, relating to ownership in the state over game and fish.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 45 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Meyer, D.; Moore; Mutch; Thane; Tweten; Vosper

ABSENT AND NOT VOTING: None

SB 2108 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2108 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on SB 2122 as printed on page 2033 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2122 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2122: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to notice requirements for administrative agency hearings.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2122 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2122 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. ERICKSON MOVED that the conference committee report on SB 2170 as printed on page 1817 of the Senate Journal be adopted, which motion prevailed.

SEN. ERICKSON MOVED that the rules be suspended, that SB 2170 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2170: A BILL for an Act to amend and reenact subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2170 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2170 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. PETERSON MOVED that the conference committee report on SB 2199 as printed on pages 1983 and 1984 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the rules be suspended, that SB 2199 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2199: A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to qualifications, character, and age of schoolbus and school vehicle drivers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2199 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2199 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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MOTION

SEN. NOTHING MOVED that the Senate stand in recess for twenty minutes, which motion prevailed.

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2187, and now wishes to inform you that it does now concur in the House amendments to SB 2187, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2187.

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2354, and now wishes to inform you that it does now concur in the House amendments to SB 2354, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2354.

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SCR 4060

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:

HB 1732, HCR 3094, HCR 3095

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 2002: Reps. G. Martin, Sanstead, Kingsbury  
SB 2016: Reps. Horgan, Lardy, Kuchera  
SB 2027: Reps. Sanstead, Solberg, Peterson  
SB 2038: Reps. Opedahl, Erdman, Unhjem

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2095 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2095

In lieu of the amendments to engrossed Senate Bill No. 2095 adopted by the House as found on pages 2101 through 2105 and as corrected on page 2144 of the House Journal, engrossed Senate Bill No. 2095 is amended as follows:

- On page 1 of the engrossed bill, line 2, after the numeral "57-50-03.1," insert the word "and", and delete the words ", and 57-54-08"
- On page 1 of the engrossed bill, line 3, delete the words "relating to the agriculturally"
- On page 1 of the engrossed bill, line 4, delete the words "derived alcohol motor vehicle fuel tax fund" and insert in lieu thereof the following: "; 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"
- On page 2 of the engrossed bill, after line 26, insert the following new subsection:
- "Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter."
- On page 3 of the engrossed bill, after line 6, insert the following new section:
- "SECTION 4. AMENDMENT. Section 57-43.1-02 of the North Dakota Century Code as created by section 1

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of House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. A

1. Except as otherwise provided in this section, a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state except the.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol is:
  - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
  - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
  - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The dealer shall collect the tax imposed by this section from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

On page 5 of the engrossed bill, delete lines 27 through 35 and insert in lieu thereof the following new section:

"SECTION 8. AMENDMENT. If House Bill No. 1073 does not become effective, section 57-54-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. There is hereby imposed

1. Except as otherwise provided in this section a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state. Provided, however, the
2. The tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol shall be is:
  - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
  - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
  - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The tax imposed by this section shall must be collected by the dealer from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and he shall have the option of collecting who may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the

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dealer ~~shall~~ be is liable for the tax thereon."

On page 6 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, subsections, and pages accordingly

## HOUSE AMENDMENTS TO SB 2095

On page 1 of the engrossed bill, line 2, after the numeral "4-14.1-03," insert the numeral "4-14.1-04," and after the numeral "57-50-03.1," insert the word "and", and after the numeral "57-05-05" delete the words ", and 57-54-08"

On page 1 of the engrossed bill, line 3, delete the words "relating to the agriculturally"

On page 1 of the engrossed bill, line 4, delete the words "derived alcohol motor vehicle fuel tax fund" and insert in lieu thereof the following new language: "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; and providing an appropriation"

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

"At least three-fourths of the funds provided for under section 57-50-01 of the North Dakota Century Code shall be used as grants in aid to organizations working to develop agriculturally derived fuels."

On page 2 of the engrossed bill, after line 26, insert the following new subsection:

"Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter."

On page 2 of the engrossed bill, line 32, after the word "the" insert the words "commissioner of agriculture with the advice and counsel of an"

On page 3 of the engrossed bill, after line 6, insert the following new sections:

"SECTION 4. AMENDMENT. Section 4-14.1-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. Agricultural products utilization commission - Meetings --~~Personnel~~---Advisory committee. The agricultural products utilization commission shall meet at least once annually, and shall report to each session of the legislative assembly. ~~The commission may secure office space and employ needed personnel for the performance of its duties, may hire consultants, and may contract with public entities or private parties for services.~~ The agricultural products utilization commission shall have an advisory committee composed of three persons, one each designated by the director of the economic development commission, the president of the North Dakota state university, and the state commissioner of agriculture.

SECTION 5. AMENDMENT. Section 57-43.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. A

1. Except as otherwise provided in this section, a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state except the.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol is:
  - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
  - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and

d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.

e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.

3. The dealer shall collect the tax imposed by this section from the consumer on all sales.

4. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

On page 5 of the engrossed bill, delete lines 27 through 35 and insert in lieu thereof the following new sections:

"SECTION 9. AMENDMENT. If House Bill No. 1073 does not become effective, section 57-54-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. There is hereby imposed

1. Except as otherwise provided in this section a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state. Provided, however, the

2. The tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol shall be is:

a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;

b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;

- c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
- d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
- e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The tax imposed by this section ~~shall~~ must be collected by the dealer from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, ~~and he shall have the option of collecting who may collect~~ the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer ~~shall be~~ is liable for the tax thereon.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the agriculturally derived fuel tax fund in the state treasury, not otherwise appropriated, the sum of \$540,000, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of administering and implementing the provisions of this Act for the biennium beginning July 1, 1983, and ending June 30, 1985."

On page 6 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, subsections, and pages accordingly

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 2313

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

SEN. TODD MOVED that the conference committee report on SB 2245 as printed on pages 1984 and 1985 of the Senate Journal be adopted, which motion prevailed.

SEN. TODD MOVED that the rules be suspended, that SB 2245 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2245: A BILL for an Act to create and enact a new subsection to section 5-01-01, section 5-02-09.1, and one new section to chapter 5-02 of the North Dakota Century Code, relating to the definition of licensed premises, the attorney general adopting rules for retail alcoholic beverage licensing pursuant to the Administrative Agencies Practices Act, the registration of the sale of beer in kegs; and to amend and reenact sections 5-02-04 and 5-02-06 of the North Dakota Century Code, relating to the licensure of alcoholic beverage retailers and prohibitions as to persons under twenty-one years of age; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: David; Tallackson; Tweten; Walsh; Wenstrom

SB 2245 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2245 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on SB 2322 as printed on page 2033 of the Senate Journal be adopted, which motion prevailed.

SEN. PARKER MOVED that the rules be suspended, that SB 2322 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 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, the roll was called and there were 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Miller Heinrich; Kilander; Stenehjem

ABSENT AND NOT VOTING: Berube; Tweten

SB 2322 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2322 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. MATCHIE MOVED that the conference committee report on SB 2327 as printed on page 1894 of the Senate Journal be adopted, which motion prevailed.

SEN. MATCHIE MOVED that the rules be suspended, that SB 2327 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2327: A BILL for an Act to amend and reenact section 57-38-42 of the North Dakota Century Code, relating to information at source returns for income tax purposes and to provide for a penalty for failure to file such returns.

Which has been read.

## ROLL CALL

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

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

NAYS: Wright

ABSENT AND NOT VOTING: None

SB 2327 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2327 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. KILANDER MOVED that the conference committee report on SB 2350 as printed on page 2076 of the Senate Journal be adopted, which motion prevailed.

SEN. KILANDER MOVED that the rules be suspended, that SB 2350 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2350: A BILL for an Act to amend and reenact section 65-05.2-02 of the North Dakota Century Code, relating to the amount of supplementary workmen's compensation benefits; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Naaden

SB 2350 passed, the title was agreed to, and the emergency clause carried.

SEN. NETHING MOVED that the vote by which SB 2350 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on SB 2358 as printed on pages 2076 and 2077 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the rules be suspended, that SB 2358 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2358: A BILL for an Act to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, as amended by House Bill No. 1521, as approved by the forty-eighth legislative assembly, relating to motor vehicle weight limitations.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

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

NAYS: Miller Heinrich

ABSENT AND NOT VOTING: Barth; Berube

SB 2358 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2358 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. DAVID MOVED that the conference committee report on SB 2408 as printed on page 1946 of the Senate Journal be adopted, which motion prevailed.

SEN. DAVID MOVED that the rules be suspended, that SB 2408 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2408: A BILL for an Act to amend and reenact sections 48-02-02, 48-02-03, 48-02-19, 54-21-27, 54-21.2-03, 54-21.3-02, and 54-21.3-03 of the North Dakota Century Code, relating to elimination of the office and duties of the state construction superintendent; and to repeal sections 54-21-17 and 54-21.3-06 of the North Dakota Century Code, relating to the office and duties of the state construction superintendent.

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 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Hilken; Holmberg; Kilander; Kusler; Lashkowitz; Lee; Leibhan; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland

NAYS: Barth; Fritzell; Grotberg; Heigaard; Miller Heinrich; Krauter; Lips; Maixner; Redlin; Stromme; Walsh; Wright

ABSENT AND NOT VOTING: None

SB 2408 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which SB 2408 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on SB 2446 as printed on pages 2077 and 2078 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2446 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2446: A BILL for an Act to amend and reenact sections 11-17-08, 11-17-09, and 11-17-10 of the North Dakota Century Code, relating to retention and destruction of district court and county court records.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2446 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2446 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. DAVID MOVED that the conference committee report on SB 2473 as printed on pages 1813 and 1814 of the Senate Journal be adopted, which motion prevailed.

SEN. DAVID MOVED that the rules be suspended, that SB 2473 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2473: A BILL for an Act to create two new sections to chapter 47-16 of the North Dakota Century Code, relating to the disposal of property abandoned by a lessee and the termination of a lease agreement induced by fraudulent misrepresentations; to amend and reenact section 33-06-02 of the North Dakota Century Code, as amended by House Bill No. 1056, as approved by the forty-eighth legislative assembly, relating to eviction actions; 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 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Erickson; Goodman; Hilken; Holmberg; Kilander; Krauter; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Barth; Berube; Dykshoorn; Fritzell; Grotberg; Heigaard; Miller Heinrich; Kusler; Lashkowitz; Redlin; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2473 passed, the title was agreed to, and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which SB 2473 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. OLSON MOVED that the conference committee report on SB 2491 as printed on page 2034 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. PARKER MOVED that HB 1044 be placed at the foot of the Seventh order of Business, which motion prevailed.

MESSAGES FROM THE HOUSE  
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 2173: Reprs. Schoenwald, Gerl, Retzer  
Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House requests the return of SB 2313.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1627, HB 1367

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

SEN. NETHING MOVED that the Senate accede to the request of the House, and return SB 2313, which motion prevailed.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return SB 2313 which the House has requested.

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

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

SCR 4056, SCR 4057

SEN. FRITZELL, Chairman

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

#### REPORT OF CONFERENCE COMMITTEE

SEN. DYKSHOORN MOVED that the conference committee report on HB 1049 as printed on page 1818 of the Senate Journal be adopted, which motion prevailed.

SEN. DYKSHOORN MOVED that the rules be suspended, that HB 1049 be 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, the roll was called and there were 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Wogsland

ABSENT AND NOT VOTING: Berube; Christensen; Reiten

HB 1049 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1049 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the conference committee report on HB 1130 as printed on page 2078 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the rules be suspended, that HB 1130 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact section 23-01-02.1 of the North Dakota Century Code, relating to confidential information received by hospital utilization committees and internal hospital quality assurance review committees.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Reiten

HB 1130 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1130 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. OLSON MOVED that the conference committee report on HB 1151 as printed on page 2078 of the Senate Journal be adopted, which motion prevailed.

SEN. OLSON MOVED that the rules be suspended, that HB 1151 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1151: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 19-03.1-36 of the North Dakota Century Code, relating to property traceable to controlled substances which is subject to forfeiture.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Reiten

HB 1151 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1151 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. ERICKSON MOVED that the conference committee report on HB 1165 as printed on pages 2078-2082 of the Senate Journal be adopted, which motion prevailed.

SEN. ERICKSON MOVED that the rules be suspended, that HB 1165 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1165: A BILL 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.

Which has been read.

## ROLL CALL

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

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

NAYS: Olson

ABSENT AND NOT VOTING: Heigaard

HB 1165 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1165 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. DAVID MOVED that the conference committee report on HB 1203 as printed on page 2082 of the Senate Journal be adopted, which motion prevailed.

SEN. DAVID MOVED that the rules be suspended, that HB 1203 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;  
 Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;  
 Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1203 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1203 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. STENEHJEM MOVED that the conference committee report on HB 1208 as printed on page 2083 of the Senate Journal be adopted, which motion prevailed.

SEN. STENEHJEM MOVED that the rules be suspended, that HB 1208 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1208: A BILL for an Act to amend and reenact sections 27-02-07, 27-11-01, 27-11-13, and 27-11-22 of the North Dakota Century Code, relating to the supreme court's authority to adopt rules relating to the practice of law, the penalty for practicing law without a license, the certificate of admission and licensure fee requirements for the practice of law, and the powers of the state bar board.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Nething; Redlin

HB 1208 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1208 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. ADAMS MOVED that the conference committee report on HB 1296 as printed on pages 2083 and 2084 of the Senate Journal be adopted, which motion prevailed.

SEN. ADAMS MOVED that the rules be suspended, that HB 1296 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1296: A BILL for an Act to amend and reenact subsection 11 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for assessment purposes; 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 50 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Maixner; Stromme

ABSENT AND NOT VOTING: None

HB 1296 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1296 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. DYKSHOORN MOVED that the conference committee report on HB 1336 as printed on page 2084 of the Senate Journal be adopted, which motion prevailed.

SEN. DYKSHOORN MOVED that the rules be suspended, that HB 1336 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Barth

ABSENT AND NOT VOTING: Lee; Vosper

HB 1336 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1336 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. LODOEN MOVED that the conference committee report on HB 1370 as printed on page 2085 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the rules be suspended, that HB 1370 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1370: A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to full disclosure of the purchase price of mobile homes and a sales ratio study by the state tax commissioner; to amend and reenact sections 39-18-05, 57-55-01, 57-55-08, 57-55-10, 57-55-11, and 57-55-12 of the North Dakota Century Code, relating to permits for transporting mobile homes, and taxation of mobile homes; to provide a penalty; and to provide an effective date.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Krauter

HB 1370 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1370 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on HB 1387 as printed on page 2085 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that HB 1387 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lee

HB 1387 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1387 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on HB 1400 as printed on pages 2085-2087 of the Senate Journal be adopted, which motion prevailed.

SEN. PARKER MOVED that the rules be suspended, that HB 1400 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1400 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1400 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. WENSTROM MOVED that the conference committee report on HB 1421 as printed on page 2087 of the Senate Journal be adopted, which motion prevailed.

SEN. WENSTROM MOVED that the rules be suspended, that HB 1421 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Dykshoorn; Meyer, D.; Nelson; Peterson; Vosper

ABSENT AND NOT VOTING: None

HB 1421 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1421 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. LEIBHAN MOVED that the conference committee report on HB 1516 as printed on pages 2088-2090 of the Senate Journal be adopted, which motion prevailed.

SEN. LEIBHAN MOVED that the rules be suspended, that HB 1516 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1516 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1516 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. TODD MOVED that the conference committee report on HB 1583 as printed on page 2091 of the Senate Journal be adopted, which motion prevailed.

SEN. TODD MOVED that the rules be suspended, that HB 1583 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1583: A BILL for an Act to provide for standard policy provisions through life and health insurance.

Which has been read.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Tennefos

HB 1583 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1583 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on HB 1647 as printed on page 2091 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the rules be suspended, that HB 1647 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1647: A BILL for an Act to amend and reenact section 39-10-01 of the North Dakota Century Code, relating to the places where laws governing the operation of vehicles apply.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1647 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1647 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the conference committee report on HB 1661 as printed on page 1819 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the rules be suspended, that HB 1661 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1661: A BILL for an Act to amend and reenact section 23-14-04 of the North Dakota Century Code, relating to compensation for members of a district board of health.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Nelson

ABSENT AND NOT VOTING: Mutch

HB 1661 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1661 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on HB 1688 as printed on page 2091 of the Senate Journal be adopted, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, members of the Senate: I feel that I must bring to the attention of this Senate a disturbing situation which arose over the Conference Committee on House Bill No. 1688. In my opinion, it is the most flagrant violation of the rules of the legislature and the basic rules of fairness which I have observed in my four sessions in the legislature.

In direct violation of Mason's Manual of Legislative Procedure, the chairman of a House committee stacked, in my opinion, the Conference Committee on House Bill No. 1688. Mason's section 768 states that it is the established practice to appoint a majority of the committee from the prevailing side in the controversy, but also to appoint a representative from the minority position. House Bill No. 1688 passed the House by a vote of 93 to 11, as reported in the House Journal, page 836. The conference committee appointed consisted of three persons, all of whom opposed the passage of House Bill No. 1688. The effect of this action was, in my opinion, that 93 House members who supported the passage of 1688 were disenfranchised by the chairman of the committee. In my opinion, such a committee

stacking is disgraceful and has no place in the legislative process.

Mr. President, it's difficult enough to work out compromises between houses when dealing with a committee which represents the true feelings of the majority of that body, but it's nearly impossible when you deal with a stacked committee. I hope actions such as this do not occur again.

#### MOTION

SEN. LASHKOWITZ MOVED that the Senate reconsider the action whereby the conference committee report on HB 1688 was adopted.

#### REQUEST

SEN. LASHKOWITZ REQUESTED a recorded roll call vote on the motion to reconsider the action whereby the conference committee report on HB 1688 was adopted, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby the conference committee report on HB 1688 was adopted, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: None

The motion to reconsider the action on HB 1688 lost.

#### REPORT OF CONFERENCE COMMITTEE

SEN. PARKER MOVED that the conference committee report on HB 1044 as printed on pages 1817 and 1818 of the Senate Journal be adopted, which motion prevailed.

SEN. PARKER MOVED that the rules be suspended, that HB 1044 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1044: A BILL for an Act to create and enact a new section to chapters 6-01 and 6-06 of the North Dakota Century Code, relating to an assessment on state-chartered banks and

state-chartered credit unions for additional examinations; and to amend and reenact sections 6-01-17, 6-05-28, subsection 4 of section 6-06-08, and section 6-09-29 of the North Dakota Century Code, relating to a yearly assessment on state-chartered banks, and examination fees for trust companies, credit unions, the North Dakota central credit union, and the Bank of North Dakota.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Maixner

HB 1044 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1044 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. LEIBHAN MOVED that the conference committee report on SB 2047 as printed on page 2076 of the Senate Journal be adopted, which motion prevailed.

SEN. LEIBHAN MOVED that the rules be suspended, that SB 2047 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 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, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Meyer, D.; Moore; Walsh; Wright

ABSENT AND NOT VOTING: None

SB 2047 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2047 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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REPORT OF CONFERENCE COMMITTEE

SEN. LODOEN MOVED that the conference committee report on HCR 3038 as printed on page 2091 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the rules be suspended, that HCR 3038 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution directing the Legislative Council to study the problems associated with litter.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3038 was declared adopted on a voice vote.

SEN. NOTHING MOVED that the vote by which HCR 3038 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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MOTIONS

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

SEN. NOTHING MOVED that after the reading of HCR 3092 the Senate adjourn and convene at 8:00 a.m., Thursday, April 7, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary