

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SIXTIETH DAY

Bismarck, March 30, 1983

The House convened at 8:30 a.m., with Speaker Kelly presiding.

The prayer was offered by Representative Sanstead.

ROLL CALL

The roll was called and all members were present, except Representatives Boyle, Dotzenrod, Gerl, Gorder, Gunsch, Hamerlik, O. Hanson, Lang, Laughlin, R. Meiers, Nowatzki, Olafson, D. Olsen, Peltier, Retzer, Rice, Schindler, Shide, Shockman, Sinner, Solberg, Vander Vorst, Vig, Watne, A. Williams, and Wold.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

We have reexamined the Journal of the Fifty-second day and recommend that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2029, delete lines 18 and 19

REP. LAUGHLIN, Chairman

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

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2047:

Reps. Stofferahn, C. Williams, Swiontek

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2068:

Reps. E. Pomeroy, A. Williams, Martinson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2431:

Reps. G. Pomeroy, Schneider, Timm

MOTIONS

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

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

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

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2342 as recommended by the Committee on Appropriations as printed on pages 2297 and 2298 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to provide for the issuance, sale, and delivery of water development bonds, southwest pipeline series; to create a sinking fund and other funds; to provide for the servicing and retirement of the bonds; to provide a continuing appropriation for the payment of the bonds; and to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to the allocation of oil extraction tax revenues.

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 96 YEAS, 3 NAYS, 7 ABSENT AND NOT VOTING.

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

Williams, A.; Williams, C.; Williams, W.; Wold;
Speaker Kelly

NAYS: Olafson; Olsen, D.; Olson, A.

ABSENT AND NOT VOTING: Gerl; Gorder; Keller; Kent;
Meyer, R.; Strinden; Vig

SB 2342 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2027 as recommended by the Committee on Appropriations as printed on pages 2322-2324 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act making an appropriation for defraying the expenses of the state historical board and international peace garden of the state of North Dakota; and to declare an emergency.

Which has been read.

REMARKS OF REP. SOLBERG

The International Peace Garden was dedicated in 1932, to commemorate the many years of peaceful relations that had existed between the United States and Canada. Now, fifty years later, the founders of the Garden are all gone, but the Garden continues to be a monument to the cause of peace developed and maintained by our two nations.

Shortly after the dedication, a master plan for the Garden was developed by experts in the National Park Service and this plan has been faithfully followed to this time. The focal point of the Garden according to the plan was to be the "Peace Tower", to be erected in the formal area. We are glad to report that this tower and a visitor's reception building were completed last fall with funds provided by the federal government at a cost of \$1,200,000. This facility will not be operational without sewer connections. The Garden has a modern lagoon sewer system that serves a large part of the Garden and this appropriation would make this building functional.

Several years ago, in a joint venture between the United States and Canada, a much needed water treatment plant was constructed. Presently the backwash water is discharged on the ground and is damaging to trees and shrubs, besides being in violation of the Health Department. The new office building and superintendent's residence provided by the state of North Dakota are connected to an abandoned sewer that doesn't function in the heavy soil at the Garden.

This appropriation would tie all these facilities to the lagoon system and obtain approval from the State Health Department.

Visitors to the Peace Garden are increasing from year to year, and tourism is the fourth largest industry in North Dakota. United States travelers spent over \$646 million in North Dakota in 1981, nearly eight percent more than in 1980.

Out-of-state visitors spent nearly \$377 million, approximately 58 percent of the state's total.

These expenditures generated eighteen thousand jobs, 7.2 percent of the total employment in the state. Traveler spending also generated over \$22 million in state tax revenue, nearly 4.9 percent of all state tax collections in 1981.

So, it behooves us to keep our few tourist attractions attractive, safe, and convenient to the visitors who come there.

REQUEST

REP. BACKES REQUESTED that the remarks of Representative Solberg, who is President of the International Peace Garden Association, be printed in the House Journal, which request was granted.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 99 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Melby; Murphy; Olafson; Olson, A.

ABSENT AND NOT VOTING: Meyer, R.; Riley; Rued

SB 2027 passed, the title was agreed to, and the emergency clause carried.

MESSAGES TO THE SENATE
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 2047: Reps. Stofferahn, C. Williams, Swiontek
SB 2068: Reps. E. Pomeroy, A. Williams, Martinson
SB 2431: Reps. G. Pomeroy, Schneider, Timm

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 2239

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House stand in recess until 10:30 a.m., which motion prevailed.

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

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2018, SB 2020, SB 2037, SB 2039, SB 2040, SB 2044,
SB 2277, SB 2413

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate requests the return of HB 1007.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1052 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1052

- On page 1 of the engrossed bill, line 3, delete the word "and", and after the word "date" and before the period insert the words "; and to declare an emergency"
- On page 1 of the engrossed bill, line 23, delete the word "forty" and insert in lieu thereof the word "twenty-five", and after the word "determined" insert the words "by the agricultural economics department at North Dakota state university"
- On page 1 of the engrossed bill, line 24, overstrike the words "which would be produced if the"
- On page 1 of the engrossed bill, line 25, overstrike the words "land were used for the growing of hay" and insert immediately thereafter the words "based upon the animal unit carrying capacity of the land"
- On page 2 of the engrossed bill, line 16, remove the overstrike over the numbers "~~1983~~" and delete the numbers "1985"
- On page 2 of the engrossed bill, line 17, after the word "~~five-year~~" insert the words "rate which is one-half of one percentage point below a"
- On page 2 of the engrossed bill, line 28, remove the overstrike over the numbers "~~1983~~"
- On page 2 of the engrossed bill, line 29, delete the numbers "1984 and 1985"
- On page 2 of the engrossed bill, line 34, after the word "basis" insert the words ", to compute the average agricultural value per acre for cropland and noncropland, which is agricultural land, for each county,"
- On page 3 of the engrossed bill, line 1, delete the words "The information provided will show the countywide"
- On page 3 of the engrossed bill, delete line 2 and insert in lieu thereof the following sentence: "Computations of the average agricultural value per acre shall be subject to the approval of the state board of equalization."
- On page 3 of the engrossed bill, line 4, overstrike the words "this estimate" and insert immediately thereafter the words "these estimates"

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

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

"SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1011: Sens. Fritzell, Tweten, Heigaard
HB 1014: Sens. Naaden, Tennefos, Grotberg
HB 1015: Sens. Fritzell, Streibel, Stromme
HB 1019: Sens. Fritzell, Tweten, Walsh
HB 1020: Sens. Naaden, Tweten, Tallackson
HB 1021: Sens. Naaden, Wenstrom, Stromme

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1022: Sens. Naaden, Tweten, Walsh
HB 1023: Sens. Tweten, Nelson, Tallackson
HB 1024: Sens. Thane, Wenstrom, Walsh
HB 1027: Sens. Naaden, Nelson, Stromme
HB 1030: Sens. Tennefos, Fritzell, Walsh
HB 1031: Sens. Nelson, Tennefos, Heigaard

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

REP. MERTENS MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1007, and that the Conference Committee on HB 1007 be dissolved, which motion prevailed.

REP. MERTENS MOVED that HB 1007 be returned to the Senate pursuant to their request, which motion prevailed.

MOTION

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

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

MESSAGE TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Senate has requested:

HB 1007

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

HB 1582, HB 1618, HCR 3020, HCR 3087

REP. G. MARTIN, Chairman

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

MESSAGES FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2092, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2092: Sens. Thane, Naaden, Stromme

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1336: Sens. Dykshoorn, Kilander, Satrom

HB 1429: Sens. Thane, Streibel, Tallackson

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1032: Sens. Nelson, Tennefos, Heigaard

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HB 1033: Sens. Fritzell, Tennefos, Heigaard
HB 1034: Sens. Lips, Thane, Grotberg
HB 1036: Sens. Tennefos, Wenstrom, Grotberg
HB 1037: Sens. Fritzell, Tennefos, Heigaard
HB 1038: Sens. Wenstrom, Fritzell, Walsh

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1582, HB 1618, HCR 3020, HCR 3087

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

HB 1582, HB 1618, HCR 3020, HCR 3087

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

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

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

SIXTH ORDER OF BUSINESS

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2172 as recommended by the Committee on Industry, Business, and Labor as printed on pages 2324 and 2325 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to create and enact one new subsection to section 65-01-02 of the North Dakota Century Code, relating to a definition of disability; and to amend and reenact subsections 8 and 11 of section 65-01-02, and section 65-05-14 of the North Dakota Century Code, relating to definitions of injury and permanent impairment, and to permanent impairment benefits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 102 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Rued; Whalen

ABSENT AND NOT VOTING: Eagles; Unhjem

SB 2172 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2499 as recommended by the Committee on Industry, Business, and Labor as printed on page 2325 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.;

Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Murphy

ABSENT AND NOT VOTING: Eagles; Sanstead; Strinden; Unhjem

SB 2499 passed and the title was agreed to.

MOTIONS

REP. L. HANSON MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1429, and that the House do concur in the Senate amendments to HB 1429, and that the Conference Committee on HB 1429 be dissolved, which motion prevailed.

REP. L. HANSON MOVED that HB 1429 be placed on the Eleventh order of business for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to amend and reenact sections 15-10-25.1, 44-08-04, 44-08-04.3, and 54-06-10 of the North Dakota Century Code, relating to state employee travel allowances and moving expenses and the requirement for the elected state officials and presidents of institutions of higher education to receive out-of-state travel authorization.

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 42 YEAS, 61 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Dotzenrod; Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Lipsiea; Melby; Mertens; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide;

Shockman; Sinner; Solberg; Swiontek; Thompson;
Vander Vorst; Whalen; Wold

NAYS: Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord;
Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast;
Hamerlik; Hanson, L.; Haugland; Hill; Hjelle;
Hoffner, Serenus; Hoffner, S. F.; Horgan; Knudson;
Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy;
Larson, B.; Larson, R.; Laughlin; Lautenschlager;
Linderman; Lloyd; Martin, C.; Martin, G.; Martinson;
Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Mushik;
O'Connell; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl;
Richard; Riehl; Sanstead; Schneider; Schoenwald;
Stofferahn; Timm; Vig; Watne; Wentz; Williams, A.;
Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Strinden; Unhjem

HB 1429 was declared lost.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2092:

Reps. Mushik, Mertens, Peterson

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that Representative Mushik is appointed to the Conference Committee on SB 2029 to replace Representative Backes.

RECOGNITION

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

MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1429, and now wishes to inform you that it does now concur in the Senate amendments to HB 1429, and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HB 1429.

Very respectfully,
CHARLES FLEMING, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1003: A BILL for an Act making an appropriation for defraying legal expenses of the attorney general.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2244, the roll was called and there were 59 YEAS, 43 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aubol; Boyle; Brokaw; Conmy; DeMers; DuBord; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipslea; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, W.; Mushik; Nalewaja; Nowatzki; O'Connell; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl; Riley; Schneider; Schoenwald; Sinner; Stofferahn; Swiontek; Thompson; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Black; Dotzenrod; Erdman; Gates; Goetz; Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Lang; Laughlin; Martin, C.; Martinson; Melby; Meyer, R.; Moore; Murphy; Nicholas; Olafson; Olsen, D.; Olson, A.; Retzer; Rice; Richard; Rued; Sanstead; Schindler; Shide; Shockman; Solberg; Strinden; Timm; Vander Vorst; Vig; Whalen

ABSENT AND NOT VOTING: Backes; Eagles; Peterson; Unhjem

HB 1003 passed and the title was agreed to.

HB 1269: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to the elementary school per-pupil payments under the foundation program.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2245, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar;

Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Backes; Eagles; Kent; Peterson; Unhjem

HB 1269 passed and the title was agreed to.

HB 1333: A BILL for an Act to create and enact a new subsection to section 4-22-26 of the North Dakota Century Code, relating to taxes levied by soil conservation districts; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2232, the roll was called and there were 90 YEAS, 9 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Black; Gates; Hughes; Kingsbury; Melby; Murphy; Rued; Shockman

ABSENT AND NOT VOTING: Backes; Eagles; Koski; Mushik;
Peterson; Strinden; Unhjem

HB 1333 passed and the title was agreed to.

HB 1482: A BILL for an Act to amend and reenact section 15-20.1-09 of the North Dakota Century Code, relating to school board composition; to provide for a transition period; and to repeal section 15-28-02 of the North Dakota Century Code, relating to rural representation on school boards; and to declare an emergency.

Which has been read.

MOTION

REP. VANDER VORST MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2035, the roll was called and there were 54 YEAS, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Black; Boyle; Conmy; DeMers; Gates; Gerl; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kloubec; Koehn; Koski; Kuchera; Lardy; Larson, B.; Larson, R.; Lautenschlager; Lloyd; Martin, G.; Martinson; Meier, A.; Mertens; Moore; Mushik; Nalewaja; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Riley; Rued; Sanstead; Schneider; Schoenwald; Sinner; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Wentz; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Brokaw; Dotzenrod; DuBord; Erdman; Gorder; Gullickson; Gunsch; Hanson, O.; Hausauer; Keller; Kent; Kingsbury; Knudson; Kretschmar; Lang; Laughlin; Linderman; Lipsiea; Martin, C.; Meiers, R.; Melby; Meyer, W.; Murphy; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Retzer; Rice; Richard; Riehl; Schindler; Shide; Shockman; Solberg; Thompson; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Eagles; Meyer, R.

HB 1482 passed, the title was agreed to, but the emergency clause was declared lost.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed Senator Heigaard to replace Senator Tallackson on the Conference Committee on SB 2005.

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILL

HB 1701: A BILL for an Act to amend and reenact subsection 1 of section 39-04-19, subsections 2 and 3 of section 39-12-04, and section 57-54.1-12 of the North Dakota Century Code, relating to trip permit fees, height and length limitations for vehicles, and occasional trip permits.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2127, the roll was called and there were 71 YEAS, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Conmy; Dotzenrod; Gates; Goetz; Gorder; Gullickson; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Larson, B.; Larson, R.; Laughlin; Lipsiea; Lloyd; Martin, C.; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Rice; Riehl; Riley; Rued; Schindler; Schneider; Shide; Sinner; Strinden; Timm; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Wold

NAYS: Black; Brokaw; DeMers; DuBord; Erdman; Gerl; Halmrast; Hanson, L.; Kretschmar; Kuchera; Lang; Lardy; Lautenschlager; Linderman; Martin, G.; Meiers, R.; Nalewaja; O'Shea; Pomeroy, G.; Rayl; Retzer; Richard; Sanstead; Schoenwald; Shockman; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Wentz; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Martinson

HB 1701 passed and the title was agreed to.

WEDNESDAY, MARCH 30, 1983

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MESSAGE TO THE SENATE
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 2092: Reps. Mushik, Mertens, Peterson

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed Representative Mushik to replace Representative Backes on the Conference Committee on SB 2029.

Very respectfully,
CHARLES FLEMING, Chief Clerk

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3091 was declared adopted on a voice vote.

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3092 was declared adopted on a voice vote.

HCR 3093: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a self-insurance program for state employees.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3093 was declared adopted on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills respectfully reports that it has considered a request from Representative Unhjem for the introduction of HB 1734 and HB 1735, which request has been approved.

REP. BACKES, Chairman

FIRST READING OF HOUSE BILLS

Rep. Unhjem introduced:

(Approved by the Committee on Delayed Bills)

HB 1734: A BILL for an Act to amend and reenact sections 26-01-11 and 26-16-10 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17 and 26.1-09-10 of the North Dakota Century Code as created by House Bill No. 1054 and amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide a penalty; and to provide an effective date.

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

Rep. Unhjem introduced:

(Approved by the Committee on Delayed Bills)

HB 1735: A BILL for an Act to amend and reenact sections 26-01-11 and 26-16-10 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17 and 26.1-09-10 of the North Dakota Century Code as created by House Bill No. 1054 and amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide for retroactive application; to provide a penalty; to provide for a contingent effective date; and to declare an emergency.

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

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4003: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to removing references to the institutions of higher education and their locations in sections relating to the board of higher education and trust lands; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 61 YEAS, 42 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy; DeMers; Dotzenrod; Gates; Goetz; Gullickson; Gunsch;

Hamerlik; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, R.; Linderman; Martinson; Meiers, R.; Mertens; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Rayl; Riley; Sanstead; Schneider; Shide; Sinner; Solberg; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Watne; Whalen; Williams, A.; Williams, C.; Wold; Speaker Kelly

NAYS: Backes; Black; Brokaw; DuBord; Erdman; Gerl; Gordor; Halmrast; Hanson, L.; Haugland; Horgan; Kent; Kingsbury; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, G.; Meier, A.; Melby; Meyer, W.; O'Connell; Olsen, D.; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Richard; Riehl; Rued; Schindler; Schoenwald; Shockman; Stofferahn; Timm; Vig; Wentz; Williams, W.

ABSENT AND NOT VOTING: Eagles; Martin, C.; Meyer, R.

SCR 4003 was declared adopted.

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

Which has been read.

The question being on the final adoption of the resolution.

SCR 4056 was declared adopted on a voice vote.

MOTION

REP. BACKES MOVED that HB 1693 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM SENATE

REP. S. F. HOFFNER MOVED that the House do concur in the Senate amendments to HB 1627, which motion prevailed.

MOTION

REP. BACKES MOVED that HB 1627 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1627: A BILL for an Act to amend and reenact section 28-01.1-02 of the North Dakota Century Code, relating to the statute of limitations for products liability actions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 99 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: Rayl; Retzer

ABSENT AND NOT VOTING: Eagles; Kent; Martin, C.; Meyer, R.; Strinden

HB 1627 passed and the title was agreed to.

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that Friday, April 1, is Good Friday, which is an official state holiday and legislative assembly employees will be paid for that day the same as other state employees. The Legislative Assembly will also be in recess on Monday, April 4. In recognition of the uncompensated overtime which all employees have put in since the beginning of this session, legislative assembly employees will also be paid for that day.

MESSAGES FROM THE SENATE
SENATE CHAMBER

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

SB 2493

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1727 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1727

- On page 1 of the engrossed bill, line 1, after the word "to" insert the words "create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, providing a deduction to reimburse retailers for administrative expenses in connection with collection and payment of sales and use taxes; to"
- On page 2 of the engrossed bill, line 32, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"
- On page 2 of the engrossed bill, line 33, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 9, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 12, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 19, delete the word "ninety" and insert in lieu thereof the word "seventy"
- On page 3 of the engrossed bill, line 22, delete the word "four" and insert in lieu thereof the word "ten"
- On page 3 of the engrossed bill, after line 30, insert the following new section:

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

Deduction to reimburse retailer for administrative expenses.

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

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

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

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

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

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

Deduction to reimburse retailer for administrative expenses.

1. A retailer who pays the tax due and files the return required by section 57-40.2-07 within the time limitations prescribed may deduct and retain two percent of the tax due on the return.
2. The aggregate of deductions allowed by this section and section 3 of this Act may not exceed two hundred dollars per month for each business location which has been

issued a sales tax permit by the commissioner.

3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."

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

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

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

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HB 1727

In lieu of the amendments to Engrossed HB 1727 adopted by the Senate as found on pages 1627 through 1629 of the Senate Journal, Engrossed HB 1727 is amended as follows:

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, providing a deduction to reimburse retailers for administrative expenses in connection with collection and payment of sales and use taxes; to"

On page 1 of the engrossed bill, line 8, delete the words "; to provide an" and insert in lieu thereof the words "relating to a definition of calendar quarter and to payment of coal facilities privilege tax by plants not electrical generating plants; and to provide an effective date and an expiration date."

On page 1 of the engrossed bill, delete line 9

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

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

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

Deduction to reimburse retailer for administrative expenses.

1. A retailer who files the monthly return required by section 57-39.2-12 and pays the tax due on the return within the time limitations prescribed by this chapter may deduct and retain two percent of the tax due on the return.
2. The aggregate of deductions allowed by this section and section 5 of this Act may not exceed two hundred dollars per month for each business location which has been issued a sales tax permit by the commissioner.
3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."

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

- On page 6 of the engrossed bill, line 30, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"
- On page 7 of the engrossed bill, line 6, delete the word "four" and insert in lieu thereof the word "ten"
- On page 7 of the engrossed bill, after line 31, insert the following new section:

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

Deduction to reimburse retailer for administrative expenses.

1. A retailer who pays the tax due and files the monthly return required by section 57-40.2-07 within the time limitations prescribed may deduct and retain two percent of the tax due on the return.
 2. The aggregate of deductions allowed by this section and section 3 of this Act may not exceed two hundred dollars per month for each business location which has been issued a sales tax permit by the commissioner.
 3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."
- On page 8 of the engrossed bill, line 15, after the period insert the following new sentence: "The penalty does not apply if ninety-five percent of the tax due has been paid with the monthly return and the taxpayer files an amended monthly return and pays the total tax due within sixty days from the original due date."
- On page 12 of the engrossed bill, line 17, overstrike the words "subsection 2"
- On page 12 of the engrossed bill, line 18, overstrike the word "of"
- On page 15 of the engrossed bill, delete lines 1 through 9 and insert in lieu thereof the following new section:

"SECTION 15. EFFECTIVE DATE - EXPIRATION DATE. Sections 1 through 5 of this Act are effective only for taxes accruing from April 1, 1985, through June 30, 1985, and are ineffective for taxes accruing after June 30, 1985. The provisions of sections 57-39.2-11, 57-39.2-12, and 57-40.2-07 as they existed on March 31, 1985, shall be in effect for taxes accruing after June 30, 1985."

And renumber the lines, sections, and pages accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

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

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 9:00 a.m., Thursday, March 31, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2002 has had the same under consideration and recommends by a vote of 16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the words "providing for a transfer of funds from the oil" and insert the words "to create and enact a new section to title 15 of the North Dakota Century Code, relating to the continuation of certain educational, rehabilitative, and day care programs by school districts and providing mill levy authorization for certain districts"

On page 1 of the engrossed bill, line 4, delete the words "extraction tax development fund"

On page 1 of the engrossed bill, line 16, delete the numerals "3,893,569" and insert in lieu thereof the numerals "3,980,818"

On page 1 of the engrossed bill, line 18, delete the numerals "301,169" and insert in lieu thereof the numerals "401,169"

On page 1 of the engrossed bill, line 20, delete the numerals "21,513,941" and insert in lieu thereof the numerals "25,196,650"

On page 1 of the engrossed bill, line 21, delete the numerals "359,158,652" and insert in lieu thereof the numerals "388,278,288"

On page 1 of the engrossed bill, after line 21, insert the following new line:

"Grants - tuition fund 37,100,000"

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

"Grants - textbooks 100,000"

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

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

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

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

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

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

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

SECTION 5. A new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Continuation by school districts of educational, rehabilitative, and day care programs - Mill levy. Upon

approval by its governing body, any school district having a population of four thousand or more according to the last federal decennial census may continue to provide educational, rehabilitative, and day care services to children six years of age and under if the services were initiated pursuant to any of the following federal programs:

1. Day care services established and provided pursuant to the Equal Opportunity Act Amendments of 1967 [Pub. L. 90-222].
2. Day care services established and provided pursuant to the Social Services Amendments of 1974 [Pub. L. 93-647].
3. Head start programs established and provided pursuant to the Equal Opportunity Act Amendments of 1978 [Pub. L. 95-568].
4. Child development programs established and provided pursuant to the Rehabilitation, Comprehensive Services, and Disabilities Amendments of 1978 [Pub. L. 95-602].

A school district with a population of four thousand or more may also provide programs directed to the special needs of exceptional preschool handicapped children two years of age and under for which no other federal or state funding is available.

Upon approval by its governing body, any school district having a population in excess of four thousand according to the last federal decennial census may levy taxes annually, not exceeding a total of three mills on the taxable valuation of the district, to provide the educational, rehabilitative, and day care programs described in this section. This mill levy shall be over and above all other mill levy limitations provided by law."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

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

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

REP. MERTENS, Chairman

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

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2016 has had the same under consideration and recommends by a vote of 13 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

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

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

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

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

"Capital improvements 281,020"

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

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

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

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

To contract to build and operate public radio facilities."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

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

REP. MERTENS, Chairman

Engrossed SB 2016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2038 has had the same under consideration and recommends by a vote of 16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 16, delete the numerals "2,856,908" and insert in lieu thereof the numerals "2,821,057"
- On page 1 of the engrossed bill, line 17, delete the numerals "728,286" and insert in lieu thereof the numerals "694,286"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,865,358" and insert in lieu thereof the numerals "3,795,507"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,845,358" and insert in lieu thereof the numerals "3,775,507"
- On page 1 of the engrossed bill, line 26, delete the numerals "8,741,844" and insert in lieu thereof the numerals "8,711,447"
- On page 1 of the engrossed bill, line 27, delete the numerals "3,648,519" and insert in lieu thereof the numerals "3,610,519"
- On page 2 of the engrossed bill, line 1, delete the numerals "228,915" and insert in lieu thereof the numerals "128,915"
- On page 2 of the engrossed bill, line 3, delete the numerals "13,144,912" and insert in lieu thereof the numerals "12,976,515"
- On page 2 of the engrossed bill, line 6, delete the numerals "122,782" and insert in lieu thereof the numerals "110,553"

- On page 2 of the engrossed bill, line 7, delete the numerals "95,450" and insert in lieu thereof the numerals "90,450"
- On page 2 of the engrossed bill, line 9, delete the numerals "229,032" and insert in lieu thereof the numerals "211,803"
- On page 2 of the engrossed bill, line 10, delete the numerals "127,015" and insert in lieu thereof the numerals "75,000"
- On page 2 of the engrossed bill, line 11, delete the numerals "102,017" and insert in lieu thereof the numerals "136,803"
- On page 2 of the engrossed bill, line 12, delete the numerals "17,092,287" and insert in lieu thereof the numerals "16,888,825"
- On page 2 of the engrossed bill, line 13, delete the numerals "147,015" and insert in lieu thereof the numerals "95,000"
- On page 2 of the engrossed bill, line 14, delete the numerals "17,239,302" and insert in lieu thereof the numerals "16,983,825"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Supreme Court

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

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

District Court

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

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

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

Judicial Qualifications Commission

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

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

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

REP. MERTENS, Chairman

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

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2095 has had the same under consideration and recommends by a vote of 17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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 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 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

REP. MERTENS, Chairman

Engrossed SB 2095 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2354 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 2 ABSENT AND NOT

VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

On page 1 of the engrossed bill, line 2, after the word "Code" and before the comma insert the words ", or in the alternative if House Bill No. 1729 does not become effective, to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code"

On page 1 of the engrossed bill, line 6, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1729 becomes effective, section"

On page 1 of the engrossed bill, line 13, delete the word "fifty-five" and insert in lieu thereof the word "fifty-four"

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

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

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

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

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

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

thereof the word "six", and delete the word "eighteen" and insert in lieu thereof the word "twelve"

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

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

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

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

And renumber the lines, sections, and pages accordingly
REP. MERTENS, Chairman

Engrossed SB 2354 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred SCR 4057 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. SINNER, Chairman

SCR 4057 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk