

THURSDAY, MARCH 24, 1983

1761

## JOURNAL OF THE SENATE

### Forty-eighth Legislative Assembly

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#### FIFTY-SIXTH DAY

Bismarck, March 24, 1983

The Senate convened at 9:30 a.m., with President Sands presiding.

The prayer was offered by Rev. Lloyd A. Nelson, Greater Velva Lutheran Parish, Velva.

Eternal Father we come before You this morning as individuals with our own desires and needs. Father help us to rightly evaluate what is necessary and right for our needs and our desires, that we may separate the wheat from the chaff of our daily activities, that the end result of our deliberations will be of benefit to all of us. We thank You, God, for the differences we experience in our contact with family, friends, and neighbors--let us not take those differences for granted, rather, let us learn from them that our horizons might be broadened. Bless now this Senate, Lord, that Your Spirit may move and guide it to do Your will, this we ask in Jesus' name. Amen.

#### ROLL CALL

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

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 Fifty-fifth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

#### MESSAGES TO THE HOUSE

##### SENATE CHAMBER

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

HB 1021, HB 1024, HB 1027, HB 1030, HB 1033, HB 1037

Very respectfully,  
LEO LEIDHOLM, Secretary

##### SENATE CHAMBER

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

HB 1063, HB 1228, HB 1356, HB 1415, HB 1435, HB 1493,  
HB 1538, HB 1564, HB 1566, HB 1568, HB 1616, HB 1622,  
HB 1668

Very respectfully,  
LEO LEIDHOLM, Secretary

#### SENATE CHAMBER

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

HB 1017, HB 1189, HB 1695

Very respectfully,  
LEO LEIDHOLM, Secretary

#### 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 2408: Reps. DeMers, W. Williams, Wold

Very respectfully,  
CHARLES FLEMING, Chief Clerk

##### HOUSE CHAMBER

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

SB 2220

Very respectfully,  
CHARLES FLEMING, Chief Clerk

##### HOUSE CHAMBER

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

HB 1049

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 2055

Very respectfully,  
CHARLES FLEMING, Chief Clerk

##### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2049, SB 2068, SB 2093, SB 2150, SB 2173, SB 2179, SB 2205, and SB 2245 which the House has amended as follows:

## HOUSE AMENDMENTS TO SB 2049

On page 2, line 2, remove the overstrike over the word "~~three~~", delete the word "four", and delete the word "one" and insert in lieu thereof the word "nine"

On page 2, line 3, delete the word "eighty"

On page 2, line 9, delete the second word "four" and insert in lieu thereof the word "one"

On page 2, line 10, after the overstruck word "~~first~~" insert the word "for"

On page 2, line 14, delete the word "nine" and insert in lieu thereof the word "six"

On page 2, line 15, delete the word "fifty", and after the overstruck word "~~first~~" insert the word "for"

And renumber the lines accordingly

## HOUSE AMENDMENTS TO SB 2068

On page 1, line 2, delete the word "subsection" and insert in lieu thereof the words "subsections 1 and"

On page 1, line 3, after the word "to" insert the words "the maximum number of years of service credit and to"

On page 1, line 4, delete the word "; and" and insert in lieu thereof the words "and other public employees;"

On page 2, line 17, overstrike the word "The" and insert immediately thereafter the words "Effective July 1, 1985, the"

On page 2, line 18, overstrike the words "five and twelve-hundredths" and insert immediately thereafter the words "thirteen and four-tenths"

On page 2, line 23, delete the word "Subsection" and insert in lieu thereof the words "Subsections 1 and"

On page 2, after line 25 insert the following:

- "1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date or postponed retirement date, as defined in this section. No participating member shall receive credit for more than ~~thirty~~ thirty-five years of full-time employment unless such member has contributed to the

plan or its predecessor established on July 1, 1966, in excess of ~~thirty~~ thirty-five years; members who have contributed to these plans in excess of ~~thirty~~ thirty-five years shall receive credit for the years of full-time employment after July 1, 1966. Part-time employment will be recognized as full-time employment on such a prorated basis as the board may prescribe."

On page 3, line 1, overstrike the word "four-hundredths" and insert immediately thereafter the word "twenty-hundredths"

On page 3, line 5, overstrike the word "four-hundredths" and insert immediately thereafter the word "twenty-hundredths"

On page 3, after line 7, insert the following:

"(3) All participants retiring prior to July 1, 1983, will have their benefits calculated at one and twenty-hundredths percent of the average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning July 1, 1983."

On page 3, line 24, delete the words "one and four-hundredths percent" and insert in lieu thereof the words "the percent specified in subdivision a"

And renumber the lines and pages accordingly

#### HOUSE AMENDMENTS TO SB 2093

On page 5 of the engrossed bill, line 12, after the period insert the following new sentence:

"In addition, individual and aggregate stop-loss coverage insured by a carrier authorized to do business in this state must be made part of any self-insured plan."

And renumber the lines accordingly

#### HOUSE AMENDMENTS TO SB 2150

On page 1, line 1, delete the word and numeral "sections 49-02-01" and insert in lieu thereof the words "subsection 2 of section 49-02-01, section"

- On page 1, line 2, after the first comma insert the words "subsection 2 of", and after the numeral "49-21-01," insert the words and numeral "sections 49-21-04,"
- On page 1, line 4, after the word "telegraph" insert the words "and telephone"
- On page 1, line 22, after the word "utility" insert the words ", except a telephone utility,"
- On page 1, line 23, overstrike the words "However, any telephone"
- On page 1, line 24, overstrike the words "utility so owned or operated shall be subject to the"
- On page 1, line 25, overstrike the words "jurisdiction of the commission and to the provisions contained in"
- On page 1, line 26, overstrike the words "sections 49-02-05 and 49-21-09" and insert immediately thereafter the words "The rates of any nonprofit telephone company or telephone company having less than three thousand subscribers, upon a vote of the company's owners or board of directors, shall not be subject to the jurisdiction of the commission"
- On page 2, after line 10, insert the following new section:

"SECTION 4. AMENDMENT. Section 49-21-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-21-04. Schedules of rates to be filed with commission. The commission shall require each telephone company subject to the commission's rate jurisdiction, within such time as ~~it~~ the commission shall fix and in such form and detail as it may require, to file with the commission:

1. Schedules showing all rates and charges which are established and in effect at the time for any service rendered to the public by such telephone company within this state; and
2. All rules and regulations which in any manner affect the rates charged or to be charged for such service,

and such telephone company shall not make any changes thereafter in said schedules, rates, or charges other than those named in such schedule without first securing the consent of the commission."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2173

On page 4 of the reengrossed bill, line 16, delete the words "two hundred ten" and insert in lieu thereof the words "one hundred sixty"

On page 4 of the reengrossed bill, line 24, delete the words "In no case shall total death"

On page 4 of the reengrossed bill, delete lines 25 and 26

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2179

On page 1 of the engrossed bill, line 18, delete the word "operating" and insert in lieu thereof the word "operative"

On page 2 of the engrossed bill, line 19, delete the word "Aircraft" and insert in lieu thereof the words "All of the operative property", and after the word "air" insert the word "carrier"

On page 2 of the engrossed bill, line 20, delete the words "on a fleet by-type basis for all fleet types" and insert in lieu thereof the following: "for assessment purposes by the tax commissioner and the state board of equalization and a portion of the total valuation shall be allocated to the state of North Dakota. For the purpose of determining the value of the operative property of each air transportation company, the tax commissioner and the state board of equalization shall take into consideration the original cost and replacement cost of the property, depreciation, obsolescence, the earning power of the property as shown by the company's gross earnings and net operating income, the market or actual value of the company's stock and bonds and other liabilities, and such other legally established evidences of value as shall enable the tax commissioner and the state board of equalization to make a just and equitable assessment."

On page 2 of the engrossed bill, delete lines 21, 22, and 23

On page 2 of the engrossed bill, line 26, delete the word "Determination" and insert in lieu thereof the word "Allocation", delete the word "assessed", and delete the word "aircraft" and insert in lieu thereof the following: "all of the operative property of an air carrier transportation company shall be allocated to this state according to the following percentages,

which shall be calculated for each type of aircraft in the fleet and multiplied by the percentage of the total fleet represented by that type of aircraft:"

On page 2 of the engrossed bill, delete lines 27 through 30

On page 2 of the engrossed bill, line 32, after the word "passengers" insert the words ", mail, express, and freight"

On page 2 of the engrossed bill, line 34, after the word "passengers" insert the words ", mail, express, and freight"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2205

Delete section 6 of the bill.

HOUSE AMENDMENTS TO SB 2245

On page 4 of engrossed SB 2245, delete lines 5 through 26.

Very respectfully,

CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. GOODMAN MOVED that the amendments to HB 1052 as recommended by the Committee on Finance and Taxation as printed on pages 1600 and 1601 of the Senate Journal be adopted.

SEN. GOODMAN REQUESTED a recorded roll call vote on the adoption of the amendments to HB 1052, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1052, the roll was called and there were 36 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Grotberg; Heigaard; Hilken; Krauter; Kusler; Lee; Leibhan; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wogsland

NAYS: Fritzell; Goodman; Miller Heinrich; Holmberg; Kilander; Lashkowitz; Lips; Lodoen; Matchie; Olson; Redlin; Satrom; Stenehjem; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Peterson

The amendments to HB 1052 were adopted.

## CONSIDERATION OF AMENDMENTS

SEN. WENSTROM MOVED that the amendments to HCR 3029 as recommended by the Joint Committee on Constitutional Revision as printed on page 1676 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF A 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen; Goodman; Kilander

SB 2499 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which SB 2499 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## SECOND READING OF A SENATE CONCURRENT RESOLUTION

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 and is being reconsidered.

## MOTION

SEN. HOLMBERG MOVED that SCR 4003 be amended as follows:

On page 4, delete lines 12 through 34



On page 5, delete lines 1 through 13 and insert in lieu thereof the following:

"Section 13. The following public institutions are located as provided; each to have so much of the remaining grant of one hundred seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law:

- 1- A soldiers' home, when located; or such other charitable institution as the legislative assembly may determine; at the city of Lisbon in the county of Ramsey; with a grant of forty thousand acres of land.
- 2- The school for the blind at the city of Grand Forks in the county of Grand Forks or at such other location as may be determined by the legislative assembly to be in the best interests of the students of such institution and the state of North Dakota.
- 3- A school of forestry; or such other institution as the legislative assembly may determine; at such place in one of the counties of McHenry, Ward, Bottineau, or Rolette; as the electors of said counties may determine by an election for that purpose; to be held as provided by the legislative assembly.
- 4- A school of science or such other educational or charitable institution as the legislative assembly may prescribe; at the city of Wahpeton in the county of Richland; with a grant of forty thousand acres.
- 5- A state college at the city of Minot in the county of Ward.
- 6- A state college at the city of Dickinson in the county of Stark.
- 7- A state hospital for the mentally ill at such place within this state as shall be selected by the legislative assembly.

No other institution of a character similar to any one of those located by article IX, section 12; or this section shall be established or maintained without an amendment of this constitution.

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. HOLMBERG MOVED that the rules be suspended, that SCR 4003 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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.

#### ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 36 YEAS, 13 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Dykshoorn; Erickson; Fritzell; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Walsh; Wenstrom; Wright

NAYS: Adams; Bakewell; David; Grotberg; Holmberg; Lashkowitz; Matchie; Mutch; Stromme; Tweten; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Christensen; Goodman; Kilander; Peterson

SCR 4003 was declared adopted.

SEN. NOTHING MOVED that the vote by which SCR 4003 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### SECOND READING OF A HOUSE BILL

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of community or junior colleges.

Which has been read.

## MOTION

SEN. DAVID MOVED that HB 1007 be amended as follows:

On page 1 of the engrossed bill, after line 18, insert the following new line:

"Less budget adjustment 416,835"

On page 1 of the engrossed bill, line 20, delete the numerals "4,168,352" and insert in lieu thereof the numerals "3,751,517"

On page 1 of the engrossed bill, after line 25, insert the following new line:

"Less budget adjustment 169,613"

On page 1 of the engrossed bill, line 27, delete the numerals "1,696,126" and insert in lieu thereof the numerals "1,526,513"

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

"Less budget adjustment 128,754"

On page 2 of the engrossed bill, line 9, delete the numerals "1,287,544" and insert in lieu thereof the numerals "1,158,790"

On page 2 of the engrossed bill, line 10, delete the numerals "7,152,022" and insert in lieu thereof the numerals "6,436,820"

On page 2 of the engrossed bill, line 12, delete the numerals "19,670,281" and insert in lieu thereof the numerals "18,955,079"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The general fund appropriations of each of the junior colleges are reduced by 10 percent as follows:

|                               |                  |
|-------------------------------|------------------|
| Bismarck Junior College       | \$416,835        |
| Lake Region Community College | 169,613          |
| UND-Williston Center          | <u>128,754</u>   |
| Total                         | <u>\$715,202</u> |

The reductions are not allocated to particular line items of the appropriations, as it is the intent of this

amendment that the administrators of each institution have the flexibility to determine where to make the reductions.

SEN. DAVID MOVED that the proposed amendments be adopted.

SEN. MUTCH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1007, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1007, the roll was called and there were 17 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dykshoorn; Erickson; Lee; Meyer, D.; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Tennefos; Todd; Vosper; Wright

NAYS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Maixner; Matchie; Meyer, J.; Nothing; Olson; Redlin; Reiten; Satrom; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Lodoen

The proposed amendments to HB 1007 lost.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Leibhan; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Bakewell; David; Dykshoorn; Erickson; Lashkowitz; Lee; Moore; Mutch; Parker; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Lodoen

HB 1007 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1007 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## MOTION

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

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

## 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:

SB 2184, SMR 2

SEN. FRITZELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2184, SMR 2

LEO LEIDHOLM, Secretary

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined two concurrent resolutions, one directing the Legislative Council to conduct a study of state laws on small claims court, and one directing the Legislative Council to study the ownership of real property by nonprofit organizations and the relation of nonprofit organizations to taxation and discrimination in housing and has approved their introduction by a unanimous vote.

SEN. NELSON, Chairman

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

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Lashkowitz introduced:

(Approved by the Committee on Delayed Bills)

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

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

Sens. J. Meyer, D. Meyer introduced:

(Approved by the Committee on Delayed Bills)

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

nonprofit organizations to taxation and discrimination in housing.

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

#### FIRST READING OF HOUSE BILLS

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

Was read the first time and referred to the Committee on Political Subdivisions.

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

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3028: A concurrent resolution to create eight new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

Was read the first time and referred to the Joint Committee on Constitutional Revision.

HCR 3090: A concurrent resolution directing the Legislative Council to study bonds authorized for issuance by the agencies, institutions, and departments of the state.

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

#### SECOND READING OF HOUSE BILLS

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the department of veterans' affairs of the state of North Dakota.

Which has been read.

SEN. GROTEBERG MOVED that HB 1014 be amended as follows:

On page of 1 of the engrossed bill, after line 22, insert the following new section:

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. GROTEBERG MOVED that the rules be suspended, that HB 1014 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the department of veterans' affairs of the state of North Dakota.

#### ROLL CALL

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

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

ABSENT AND NOT VOTING: Goodman

HB 1014 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1014 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the state laboratories department of the state of North Dakota.

Which has been read.

SEN. STORMME MOVED that HB 1015 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit

salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. STROMME MOVED that the rules be suspended, that HB 1015 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the state laboratories department of the state of North Dakota.

#### 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1015 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1015 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

Which has been read.

SEN. FRITZELL MOVED that HB 1019 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment,



the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. FRITZELL MOVED that the rules be suspended, that HB 1019 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

#### 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; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1019 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1019 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1020: A BILL for an Act making appropriation for defraying the expenses of the predatory animal control of the state of North Dakota.

Which has been read.

SEN. NAADEN MOVED that HB 1020 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. NAADEN MOVED that the rules be suspended, that HB 1020 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1020: A BILL for an Act making appropriation for defraying the expenses of the predatory animal control of the state of North Dakota.

#### 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 1020 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1020 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

Which has been read.

SEN. NAADEN MOVED that HB 1022 be amended as follows:

On page 1 of the engrossed bill, after line 22, insert the following new section:

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. NAADEN MOVED that the rules be suspended, that HB 1022 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

#### 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; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Peterson

HB 1022 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1022 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1023: A BILL for an Act making an appropriation for defraying the expenses of various agricultural councils and commissions of the state of North Dakota.

Which has been read.

SEN. TALLACKSON MOVED that HB 1023 be amended as follows:

On page 2 of the engrossed bill, after line 31, insert the following new section:

"SECTION 4. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. TALLACKSON MOVED that the rules be suspended, that HB 1023 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1023: A BILL for an Act making an appropriation for defraying the expenses of various agricultural councils and commissions of the state of North Dakota.

#### 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; Grothberg; 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1023 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1023 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1031: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

Which has been read.

SEN. NELSON MOVED that HB 1031 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. NELSON MOVED that the rules be suspended, that HB 1031 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1031: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goodman; Nelson; Tweten

HB 1031 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1031 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1032: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

Which has been read.

SEN. NELSON MOVED that HB 1032 be amended as follows:

On page 1 of the engrossed bill, after line 28, insert the following new section:

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. NELSON MOVED that the rules be suspended, that HB 1032 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1032: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

#### 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; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Leibhan; Matchie; Tallackson; Tweten

HB 1032 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1032 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1034: A BILL for an Act making an appropriation for defraying the administrative costs of the public employees retirement system and the group insurance program of the state of North Dakota.

Which has been read.

SEN. LIPS MOVED that HB 1034 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. NELSON MOVED that HB 1034 be further amended as follows:

On page 1 of the engrossed bill, line 16, delete the numerals "1,487,949" and insert in lieu thereof the numerals "904,710"

On page 1 of the engrossed bill, line 20, delete the numerals "2,322,423" and insert in lieu thereof the numerals "1,739,184"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The operating expenses line item of the Public Employees Retirement System is reduced by \$583,239 from other funds to delete funds provided by the House for additional investment counselor fees.

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

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

SEN. LIPS MOVED that the rules be suspended, that HB 1034 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1034: A BILL for an Act making an appropriation for defraying the administrative costs of the public employees retirement system and the group insurance program of the state of North Dakota.

#### 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.; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Moore

ABSENT AND NOT VOTING: None

HB 1034 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1034 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### MOTION

SEN. STENEHJEM MOVED that HB 1643 be referred back to the Committee on Judiciary, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1036: A BILL for an Act making an appropriation for defraying the expenses of the job service North Dakota and divisions thereof of the state of North Dakota.

Which has been read.

SEN. TENNEFOS MOVED that HB 1036 be amended as follows:

On page 2 of the engrossed bill, after line 11, insert the following new section:

"SECTION 4. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment,



the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. TENNEFOS MOVED that the rules be suspended, that HB 1036 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1036: A BILL for an Act making an appropriation for defraying the expenses of the job service North Dakota and divisions thereof of the state of North Dakota.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; 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; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Tallackson; Wenstrom

HB 1036 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1036 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1038: A BILL for an Act making an appropriation for defraying the expenses of the Crime Victims Reparations Act under the supervision of the workmen's compensation bureau of the state of North Dakota.

Which has been read.

SEN. LIPS MOVED that HB 1038 be amended as follows:

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

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

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

SEN. LIPS MOVED that the rules be suspended, that HB 1038 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1038: A BILL for an Act making an appropriation for defraying the expenses of the Crime Victims Reparations Act under the supervision of the workmen's compensation bureau of the state of North Dakota.

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

NAYS: Lashkowitz; Naaden

ABSENT AND NOT VOTING: Christensen

HB 1038 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1038 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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.

SEN. LASHKOWITZ MOVED that HB 1333 be amended as follows:

On page 1 of the engrossed bill, line 3, after the first semicolon insert the words "to amend and reenact subsections 8 and 11 of section 4-22-02 and section 4-22-21 of the North Dakota Century Code, relating to the eligibility to run for the office of soil conservation district supervisor and to vote in soil conservation district elections;"

On page 1 of the engrossed bill, after line 5, insert the following two new sections:

"SECTION 1. AMENDMENT. Subsections 8 and 11 of section 4-22-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

8. "Land occupier" or "occupier of land" includes any person, firm, or corporation who ~~shall held holds~~ title to or ~~shall be~~ is in possession of any ~~agricultural, grazing, or forest~~ lands lying within a district organized under the provisions of this chapter, whether as owner, lessee, renter, tenant, or otherwise, and whether or not the person, firm, or corporation is living or located in a rural or urban area within the district;

11. "Qualified elector" means every person of the age of eighteen or upwards who is a citizen of the United States and who ~~shall have has~~ resided in the state and in the precinct thirty days next preceding any election, whether or not the person is living in a rural or urban area.

SECTION 2. AMENDMENT. Section 4-22-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-21. Regular election of district - When held - Regulations governing. The regular election of soil conservation districts shall be held at the same time, and at the same place, as the general election is held. All qualified electors in the district may vote in any regular election of the district. Any land occupier living in the district desiring to be a candidate for the office of supervisor at a district election and who has failed to file a nominating petition may furnish stickers to be attached to the ballot; and the ballot shall have blank spaces below the names of candidates nominated by petition for writing in other names."

And renumber the lines, sections, and pages accordingly

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

SEN. WRIGHT MOVED that the rules be suspended, that HB 1333 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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; to amend and reenact subsections 8 and 11 of section 4-22-02 and section 4-22-21 of the North Dakota Century Code, relating to the eligibility to run for the office of soil conservation district supervisor and to vote in soil conservation district elections; and to provide an effective date.

#### 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; 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.; Naaden; Nelson; Nething; Parker; Peterson; Redlin; Reiten; Sstrom; Stenehjelm; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Moore; Mutch; Olson; Streibel; Tennefos

ABSENT AND NOT VOTING: None

HB 1333 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1333 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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.

## MOTIONS

SEN. THANE MOVED that the Senate reconsider the action whereby the amendments to SB 1429 were adopted, which motion prevailed.

SEN. THANE MOVED that HB 1429 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1429 adopted by the Senate as found on pages 1236 and 1704 of the Senate Journal, engrossed House Bill No. 1429 is amended as follows:

- On page 1 of the engrossed bill, line 2, after the second comma insert the numerals "54-06-09,"
- On page 2 of the engrossed bill, line 24, remove the overstrike over the word "~~five~~", and delete the words "~~six~~" and "~~and fifty cents~~"
- On page 2 of the engrossed bill, line 26, remove the overstrike over the word "~~eight~~", delete the word "~~ten~~", and remove the overstrike over the words "~~and fifty~~"
- On page 2 of the engrossed bill, line 27, remove the overstrike over the word "~~cents~~"
- On page 2 of the engrossed bill, line 30, remove the overstrike over the word "~~twenty-five~~", and delete the word "~~thirty~~"
- On page 4 of the engrossed bill, line 24, delete the word "~~five~~" and insert in lieu thereof the word "two"
- On page 5 of the engrossed bill, after line 2, insert the following new section:

"SECTION 4. AMENDMENT. Section 54-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-06-09. Mileage and travel expense of state officers and employees. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of ~~twenty-five~~ twenty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle. The sum of thirty cents per mile [1.61

kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft shall be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage shall be based on the road mileage between the geographical points. Reimbursement for private airplane travel shall be calculated as follows:

- a. If reimbursement is for one properly authorized and reimbursable passenger, reimbursement shall be paid on a per-mile basis as provided in this subsection.
- b. If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.

No reimbursement shall be paid for leased private aircraft. In order to be reimbursed for the chartering of a private aircraft pursuant to subdivision b, the charter agreement must receive prior approval from the director of the office of management and budget who shall take comparable travel costs and the savings of time into account in making his decision. If only one person shall engage in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement shall be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers]. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision

thereof, no allowance shall be made or paid for such mileage.

2. Except as provided in subsection 1, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
3. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, shall be allowed and paid ~~twenty-five~~ twenty cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one hundred fifty mile [241.40 kilometer] restriction imposed by subsection 1 shall not apply.

Before any allowance for any such mileage or travel expenses shall be made, the official, deputy, assistant, clerk, or other employee shall file with the director of the office of management and budget an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the office of the budget or specifically requested by such office, verified by his certification. The statement shall be submitted to the office of the budget for approval and shall be paid only when approved by the office of the budget. ~~The head of any department, institution, or agency of this state may, for any person or persons under his authority, set a rate of no less than twenty cents per mile {1.61 kilometers} and no more than twenty-five cents per mile {1.61 kilometers}.~~"

And renumber the lines, sections, and pages accordingly

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

SEN. THANE MOVED that the rules be suspended, that HB 1429 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1429: A BILL for an Act to amend and reenact sections 15-10-25.1, 44-08-04, 44-08-04.3, 54-06-09, 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.

#### 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; 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Miller Heinrich

ABSENT AND NOT VOTING: Goodman

HB 1429 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1429 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1693: A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

HB 1693 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1693 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 HB 1474, HB 1570, HB 1644, HB 1687, HB 1724, HB 1729, HB 1236, HB 1249, and HB 1500 be placed below HB 1725 on the calendar, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1442: A BILL for an Act to amend and reenact section 57-06-01 of the North Dakota Century Code, relating to the ad valorem taxation of domestic public land mobile radio services.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Fritzell; Goodman; Lee; Moore; Mutch;  
Naaden; Nelson; Parker; Peterson; Wright

ABSENT AND NOT VOTING: None

HB 1442 passed and the title was agreed to.

\*\*\*\*\*

## MESSAGES TO THE HOUSE

## 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 2499

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1007, HB 1014, HB 1015, HB 1019, HB 1020, HB 1022,  
HB 1023, HB 1031, HB 1032, HB 1034

Very respectfully,  
LEO LEIDHOLM, Secretary

## MESSAGES FROM THE HOUSE

## HOUSE CHAMBER

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

HB 1733

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

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

SB 2414, SB 2453, SB 2456

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

March 24, 1983

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

THURSDAY, MARCH 24, 1983

1795

Dear Mr. President:

This is to inform you that on March 24, 1983, I signed SB 2295.

Sincerely,

ALLEN I. OLSON  
Governor

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 3:30 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILLS

HB 1575: A BILL for an Act to amend and reenact section 15-59-07.1 of the North Dakota Century Code, relating to boarding care for handicapped students.

Which has been read.

ROLL CALL

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

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

NAYS: David; Fritzell; Moore; Nelson; Tennefos

ABSENT AND NOT VOTING: None

HB 1575 passed and the title was agreed to.

\*\*\*\*\*

HB 1582: A BILL for an Act to provide for a set off of debts owed to the state of North Dakota by debtors who are due to receive income tax refunds.

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, 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; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Stenehjem

ABSENT AND NOT VOTING: None

HB 1582 passed and the title was agreed to.

\*\*\*\*\*

HB 1586: A BILL for an Act to amend and reenact subsection 2 of section 57-38-01, subsection 1 of section 57-38-30.3, subsections 1 and 4 of section 57-38-31, and section 57-38-32 of the North Dakota Century Code, relating to income tax.

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; 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: None

HB 1586 passed and the title was agreed to.

\*\*\*\*\*

HB 1618: A BILL for an Act to amend and reenact section 57-38-01.4 of the North Dakota Century Code, relating to

income tax; to repeal section 57-38-01.12 of the North Dakota Century Code, relating to reporting of investment credit carryback for prior taxable years; 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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Lips; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Berube

HB 1618 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

SEN. CHRISTENSEN MOVED that HB 1627 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1667: A BILL for an Act to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, authorizing the educational broadcasting council to contract for the construction and operation of public radio facilities; and to provide an appropriation.

Which has been read and is placed on the calendar without recommendation.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kusler; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Waldera; Wogsland

NAYS: Adams; Bakewell; David; Dykshoorn; Erickson; Hilken; Kilander; Krauter; Lee; Leibhan; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman

HB 1667 was declared lost.

\*\*\*\*\*

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 3:59 p.m. March 24, 1983:

SMR 2

SEN. FRITZELL, Chairman

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

#### MESSAGE TO THE HOUSE SENATE CHAMBER

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

HB 1036, HB 1038, HB 1333, HB 1429, HB 1693

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1008, HB 1010, HB 1013, HB 1016, and HB 1018, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1008: Reps. Rayl, Opedahl, Hausauer  
HB 1010: Reps. Mushik, Sanstead, Unhjem  
HB 1013: Reps. Lardy, Rayl, O. Hanson  
HB 1016: Reps. Sanstead, Erdman, Kuchera  
HB 1018: Reps. G. Martin, Lardy, Kingsbury

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1025, HB 1028, HB 1029, HB 1035, and HB 1165, and the Speaker has

appointed as a conference committee to act with a like committee from the Senate on:

HB 1025: Reps. Erdman, Sanstead, Thompson  
HB 1028: Reps. Mushik, Solberg, Hausauer  
HB 1029: Reps. Mushik, Solberg, Hausauer  
HB 1035: Reps. Horgan, Boyle, Lipsiea  
HB 1165: Reps. Gullickson, Lloyd, R. Larson

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1370, HB 1387, HB 1420, HB 1421, and HB 1440, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1370: Reps. Koski, O'Connell, Hughes  
HB 1387: Reps. Nowatzki, Keller, Kretschmar  
HB 1420: Reps. Keller, A. Williams, Conmy  
HB 1421: Reps. Mushik, Sanstead, Peterson  
HB 1440: Reps. E. Pomeroy, R. Meiers, Wentz

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1053, HB 1460, and HB 1605, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1053: Reps. Richard, Aubol, Hughes  
HB 1460: Reps. Schneider, B. Larson, Moore  
HB 1605: Reps. Schneider, B. Larson, Moore

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1516, HB 1528, HB 1688, and HCR 3038, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1516: Reps. Serenus Hoffner, Lautenschlager, D. Olsen  
HB 1528: Reps. DeMers, Peltier, R. Meiers  
HB 1688: Reps. R. Meiers, Schneider, Wentz  
HCR 3038: Reps. Serenus Hoffner, Hill, D. Olsen

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2005, SB 2019, SB 2092, SB 2128, SB 2144, SB 2197, SB 2250, SB 2271, SB 2306, SB 2322, SB 2373, SB 2421, and SB 2473 which the House has amended as follows:

## HOUSE AMENDMENTS TO SB 2005

On page 1, line 12, delete the numerals "29,377,000" and insert in lieu thereof the numerals "32,600,000"

On page 1, line 13, delete the numerals "29,377,000" and insert in lieu thereof the numerals "32,600,000"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Increase personal property tax replacement appropriation by \$3,223,000 over the Governor's budget.

## HOUSE AMENDMENTS TO SB 2019

On page 1 of the engrossed bill, line 1, delete the words "to provide for the office of management and budget"

On page 1 of the engrossed bill, line 2, delete the words "to alter statutory payment dates;"

On page 1 of the engrossed bill, delete lines 6 through 14

On page 2 of the engrossed bill, line 11, delete the numerals "3,087,500" and insert in lieu thereof the numerals "1,087,500"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation to the Office of Management and Budget for the purpose of defraying the expenses associated with cash flow financing is decreased by \$2 million from the general fund. This amendment also deletes the provision allowing the Office of Management and Budget to alter statutory payment dates.

## HOUSE AMENDMENTS TO SB 2092

In addition to the amendments to reengrossed Senate Bill No. 2092 adopted by the House as found on pages 1895 through 1897 of the House Journal, reengrossed Senate Bill No. 2092 is amended as follows:

On page 1 of the reengrossed bill, line 21, after the word "transaction" insert the words "must allow for the submission of bids pursuant to a notice published in



at least one official county newspaper; except that the sale, exchange, or transaction"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The amendment to reengrossed Senate Bill No. 2092 requires any sale, exchange, or transaction involving Penitentiary lands to allow for submission of public bids.

**HOUSE AMENDMENTS TO SB 2128**

House amendments to engrossed Senate Bill No. 2128 as they appear on page 1792 of the House Journal be deleted, and the bill be further amended as follows:

On page 1 of the engrossed bill, line 10, overstrike the words "he shall"

On page 1 of the engrossed bill, line 11, overstrike the words "be tendered the sum of", delete the word "twenty", and overstrike the words "cents a mile for each mile, by the"

On page 1 of the engrossed bill, overstrike line 12

On page 1 of the engrossed bill, line 13, overstrike the words "prosecution is pending, and", delete the word "fifteen", and overstrike the words "dollars for each day that"

On page 1 of the engrossed bill, line 14, overstrike the words "he is required to travel and attend as a witness" and insert immediately thereafter the words "the witness is entitled to the fees and expenses provided to witnesses under section 31-01-16"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The purpose of this amendment is to provide the same compensation for witnesses from another state as is received by other witnesses in court proceedings in this state.

**HOUSE AMENDMENTS TO SB 2144**

On page 1, line 3, after the numeral "39-04-23," insert the word "and"

On page 1, line 4, delete the words ", and chapter 39-04.1"

On page 1, line 6, after the word "buses," insert the word "and"

On page 1, line 7, after the word "weight" delete the words  
", and additional fees assessed on certain motor  
vehicles"

On page 1, line 25, delete the numeral "39-04-23," and  
insert in lieu thereof the numeral "39-04-23 and"

On page 1, line 26, delete the words ", and chapter  
39-04.1"

And renumber the lines accordingly

#### HOUSE AMENDMENTS TO SB 2197

On page 1 of the engrossed bill, delete lines 17 through 28

Delete pages 2 through 6 of the engrossed bill

On page 7 of the engrossed bill, delete lines 1 through 14  
and insert in lieu thereof the following:

"a. Passenger motor vehicles including  
buses for hire, hearses, and  
ambulances:

#### YEARS REGISTERED

| Gross<br>Weights | 1st, 2nd,<br>and 3rd<br>Years               | 4th, 5th,<br>and 6th<br>Years          | 7th, 8th,<br>and 9th<br>Years           | 10th and<br>Subsequent<br>Years          |
|------------------|---|--|---|--|
| Gross<br>Weights | <u>1st, 2nd,<br/>3rd, and 4th<br/>Years</u> | <u>5th, 6th,<br/>and 7th<br/>Years</u> | <u>8th, 9th,<br/>and 10th<br/>Years</u> | <u>11th and<br/>Subsequent<br/>Years</u> |
| 1,999 or less    | \$ 37.00                                    | \$ 30.00                               | \$ 24.00                                | \$ 20.00                                 |
| 2,000-2,399      | 39.00                                       | 32.00                                  | 25.00                                   | 20.00                                    |
| 2,400-2,799      | 41.00                                       | 34.00                                  | 27.00                                   | 20.00                                    |
| 2,800-3,199      | 43.00                                       | 35.00                                  | 28.00                                   | 21.00                                    |
| than 3,200       | 47.00                                       | 39.00                                  | 31.00                                   | 23.00                                    |
| 3,200-3,599      | 47.00                                       | 38.00                                  | 30.00                                   | 22.00                                    |
| 3,600-3,999      | 51.00                                       | 42.00                                  | 33.00                                   | 24.00                                    |
| 4,000-4,499      | 61.00                                       | 50.00                                  | 39.00                                   | 28.00                                    |
|                  | 67.00                                       | 55.00                                  | 43.00                                   | 31.00                                    |
| 4,500-4,999      | 77.00                                       | 62.00                                  | 48.00                                   | 34.00                                    |
|                  | 85.00                                       | 68.00                                  | 53.00                                   | 37.00                                    |
| 5,000-5,999      | 105.00                                      | 85.00                                  | 65.00                                   | 45.00                                    |

|                |                                    |                                    |                                    |                                   |
|----------------|------------------------------------|------------------------------------|------------------------------------|-----------------------------------|
|                | <u>116.00</u>                      | <u>94.00</u>                       | <u>72.00</u>                       | <u>50.00</u>                      |
| 6,000-6,999    | <del>135.00</del><br><u>149.00</u> | <del>109.00</del><br><u>120.00</u> | <del>83.00</del><br><u>91.00</u>   | <del>57.00</del><br><u>63.00</u>  |
| 7,000-7,999    | <del>165.00</del><br><u>182.00</u> | <del>133.00</del><br><u>146.00</u> | <del>101.00</del><br><u>111.00</u> | <del>69.00</del><br><u>76.00</u>  |
| 8,000-8,999    | <del>195.00</del><br><u>215.00</u> | <del>157.00</del><br><u>173.00</u> | <del>119.00</del><br><u>131.00</u> | <del>81.00</del><br><u>89.00</u>  |
| 9,000 and over | <del>225.00</del><br><u>248.00</u> | <del>181.00</del><br><u>199.00</u> | <del>137.00</del><br><u>151.00</u> | <del>93.00</del><br><u>102.00</u> |

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

In addition to the fees required in this subsection and section 49-18-32, all motorbuses used for the transportation of persons for hire over the highways of this state which have a seating capacity of more than seven passengers shall pay an annual additional license fee of twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

- b. Schoolbuses, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

#### YEARS REGISTERED

| Gross<br>Weights | 1st, 2nd,<br>and 3rd<br>Years | 4th and<br>5th Years | 6th and<br>7th Years | 8th and<br>Subsequent<br>Years |
|------------------|-------------------------------|----------------------|----------------------|--------------------------------|
|------------------|-------------------------------|----------------------|----------------------|--------------------------------|

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| <u>Gross<br/>Weights</u> | <u>1st, 2nd,<br/>3rd, and 4th<br/>Years</u> | <u>5th and<br/>6th<br/>Years</u> | <u>7th and<br/>8th<br/>Years</u> | <u>9th and<br/>Subsequent<br/>Years</u> |
|--------------------------|---|----------------------------------|----------------------------------|---|
| 0- 4,000                 | <del>\$31.00</del><br>43.00                 | <del>\$26.00</del><br>35.00      | <del>\$21.00</del><br>28.00      | <del>\$20.00</del><br>22.00             |
| 4,001- 6,000             | <del>36.00</del><br>45.00                   | <del>30.00</del><br>37.00        | <del>25.00</del><br>30.00        | <del>20.00</del><br>22.00               |
| 6,001- 8,000             | <del>41.00</del><br>56.00                   | <del>34.00</del><br>46.00        | <del>28.00</del><br>36.00        | <del>20.00</del><br>26.00               |
| 8,001-10,000             | <del>46.00</del><br>61.00                   | <del>39.00</del><br>50.00        | <del>31.00</del><br>39.00        | <del>21.00</del><br>27.00               |
| 10,001-12,000            | <del>52.00</del><br>64.00                   | <del>43.00</del><br>53.00        | <del>34.00</del><br>42.00        | <del>23.00</del><br>29.00               |
| 12,001-14,000            | <del>57.00</del><br>68.00                   | <del>47.00</del><br>56.00        | <del>37.00</del><br>44.00        | <del>25.00</del><br>30.00               |
| 14,001-16,000            | <del>67.00</del><br>80.00                   | <del>56.00</del><br>67.00        | <del>45.00</del><br>54.00        | <del>32.00</del><br>38.00               |
| 16,001-18,000            | <del>72.00</del><br>86.00                   | <del>60.00</del><br>72.00        | <del>48.00</del><br>58.00        | <del>34.00</del><br>41.00               |
| 18,001-20,000            | <del>78.00</del><br>94.00                   | <del>65.00</del><br>78.00        | <del>52.00</del><br>62.00        | <del>36.00</del><br>43.00               |

YEARS REGISTERED

| <u>Registered<br/>Gross<br/>Weights</u> | <u>1st thru<br/>9th<br/>Years</u> | <u>10th and<br/>Subsequent<br/>Years</u> |
|---|-----------------------------------|--|
| <u>20,001- 26,000</u>                   | <u>\$ 100.00</u>                  | <u>\$ 70.00</u>                          |
| <u>26,001- 32,000</u>                   | <u>200.00</u>                     | <u>140.00</u>                            |
| <u>32,001- 38,000</u>                   | <u>300.00</u>                     | <u>210.00</u>                            |
| <u>38,001- 44,000</u>                   | <u>400.00</u>                     | <u>280.00</u>                            |
| <u>44,001- 50,000</u>                   | <u>500.00</u>                     | <u>350.00</u>                            |
| <u>50,001- 56,000</u>                   | <u>600.00</u>                     | <u>420.00</u>                            |
| <u>56,001- 62,000</u>                   | <u>700.00</u>                     | <u>490.00</u>                            |
| <u>62,001- 68,000</u>                   | <u>800.00</u>                     | <u>560.00</u>                            |

|                       |                 |                 |
|-----------------------|-----------------|-----------------|
| <u>68,001- 74,000</u> | <u>950.00</u>   | <u>660.00</u>   |
| <u>74,001- 80,000</u> | <u>1,100.00</u> | <u>770.00</u>   |
| <u>80,001- 86,000</u> | <u>1,250.00</u> | <u>870.00</u>   |
| <u>86,001- 92,000</u> | <u>1,400.00</u> | <u>980.00</u>   |
| <u>92,001- 98,000</u> | <u>1,600.00</u> | <u>1,120.00</u> |
| <u>98,001-105,500</u> | <u>1,800.00</u> | <u>1,260.00</u> |

## c. Motorcycles:

- (1) Without sidecar, six dollars per motorcycle.
- (2) With sidecar, ten dollars per unit.

d- A house car shall be subject to registration at the corresponding rate prescribed for trucks under subdivision b, and the registrar shall issue distinctive plates for each house car registered.

5. Trucks or combinations of trucks and trailers weighing from ~~24,001~~ 20,001 to 82,000 pounds [~~10886-66~~ 9072.45 to 37194.57 kilograms] which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from ~~24,001~~ 20,001 to 82,000 pounds [~~10886-66~~ 9072.45 to 37194.57 kilograms] owned, or leased for a minimum period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire.

## YEARS REGISTERED

|       | 1st, 2nd,<br>and 3rd | 4th and | 6th and | 8th and<br>Subsequent |
|-------|----------------------|---------|---------|-----------------------|
| Gross |                      |         |         |                       |

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| Weights          | Years                              | 5th Years                    | 7th Years                    | Years                          |
|------------------|------------------------------------|------------------------------|------------------------------|--------------------------------|
| Gross<br>Weights | 1st, 2nd,<br>3rd, and<br>4th Years | 5th and<br>6th<br>Years      | 7th and<br>8th<br>Years      | 9th and<br>Subsequent<br>Years |
| 20,001-22,000    | <del>\$ 83.00</del><br>100.00      | <del>\$ 69.00</del><br>83.00 | <del>\$ 55.00</del><br>66.00 | <del>\$ 37.00</del><br>44.00   |
| 22,001-24,000    | <del>88.00</del><br>106.00         | <del>73.00</del><br>88.00    | <del>58.00</del><br>70.00    | <del>39.00</del><br>47.00      |
| 24,001-26,000    | <del>96.00</del><br>115.00         | <del>79.00</del><br>95.00    | <del>62.00</del><br>74.00    | <del>41.00</del><br>49.00      |
| 26,001-28,000    | <del>106.00</del><br>127.00        | <del>87.00</del><br>104.00   | <del>68.00</del><br>82.00    | <del>45.00</del><br>54.00      |
| 28,001-30,000    | <del>116.00</del><br>139.00        | <del>95.00</del><br>114.00   | <del>74.00</del><br>89.00    | <del>49.00</del><br>59.00      |
| 30,001-32,000    | <del>131.00</del><br>157.00        | <del>108.00</del><br>130.00  | <del>85.00</del><br>102.00   | <del>58.00</del><br>70.00      |
| 32,001-34,000    | <del>141.00</del><br>169.00        | <del>116.00</del><br>139.00  | <del>91.00</del><br>109.00   | <del>62.00</del><br>74.00      |
| 34,001-36,000    | <del>151.00</del><br>181.00        | <del>124.00</del><br>149.00  | <del>97.00</del><br>116.00   | <del>66.00</del><br>79.00      |
| 36,001-38,000    | <del>161.00</del><br>193.00        | <del>132.00</del><br>158.00  | <del>103.00</del><br>124.00  | <del>70.00</del><br>84.00      |
| 38,001-40,000    | <del>171.00</del><br>205.00        | <del>140.00</del><br>168.00  | <del>109.00</del><br>131.00  | <del>74.00</del><br>89.00      |
| 40,001-42,000    | <del>181.00</del><br>217.00        | <del>148.00</del><br>178.00  | <del>115.00</del><br>138.00  | <del>78.00</del><br>94.00      |
| 42,001-44,000    | <del>191.00</del><br>229.00        | <del>156.00</del><br>187.00  | <del>121.00</del><br>145.00  | <del>82.00</del><br>98.00      |
| 44,001-46,000    | <del>201.00</del><br>241.00        | <del>164.00</del><br>197.00  | <del>127.00</del><br>152.00  | <del>86.00</del><br>103.00     |
| 46,001-48,000    | <del>211.00</del><br>253.00        | <del>172.00</del><br>206.00  | <del>133.00</del><br>160.00  | <del>90.00</del><br>108.00     |
| 48,001-50,000    | <del>221.00</del><br>265.00        | <del>180.00</del><br>216.00  | <del>139.00</del><br>167.00  | <del>94.00</del><br>113.00     |
| 50,001-52,000    | <del>241.00</del><br>289.00        | <del>198.00</del><br>238.00  | <del>155.00</del><br>186.00  | <del>108.00</del><br>130.00    |

|               |                                    |                                    |                                    |                                     |
|---------------|------------------------------------|------------------------------------|------------------------------------|-------------------------------------|
| 52,001-54,000 | <del>251.00</del><br><u>301.00</u> | <del>206.00</del><br><u>247.00</u> | <del>161.00</del><br><u>193.00</u> | <del>112.00</del><br><u>134.00</u>  |
| 54,001-56,000 | <del>261.00</del><br><u>313.00</u> | <del>214.00</del><br><u>257.00</u> | <del>167.00</del><br><u>200.00</u> | <del>116.00</del><br><u>139.00</u>  |
| 56,001-58,000 | <del>271.00</del><br><u>325.00</u> | <del>222.00</del><br><u>266.00</u> | <del>173.00</del><br><u>208.00</u> | <del>120.00</del><br><u>144.00</u>  |
| 58,001-60,000 | <del>281.00</del><br><u>337.00</u> | <del>230.00</del><br><u>270.00</u> | <del>179.00</del><br><u>215.00</u> | <del>124.00</del><br><u>149.00</u>  |
| 60,001-62,000 | <del>291.00</del><br><u>349.00</u> | <del>238.00</del><br><u>286.00</u> | <del>185.00</del><br><u>222.00</u> | <del>120.00</del><br><u>154.00</u>  |
| 62,001-64,000 | <del>301.00</del><br><u>361.00</u> | <del>246.00</del><br><u>295.00</u> | <del>191.00</del><br><u>229.00</u> | <del>132.00</del><br><u>158.00</u>  |
| 64,001-66,000 | <del>311.00</del><br><u>373.00</u> | <del>254.00</del><br><u>305.00</u> | <del>197.00</del><br><u>236.00</u> | <del>136.00</del><br><u>163.00</u>  |
| 66,001-68,000 | <del>321.00</del><br><u>385.00</u> | <del>262.00</del><br><u>314.00</u> | <del>203.00</del><br><u>244.00</u> | <del>140.00</del><br><u>168.00</u>  |
| 68,001-70,000 | <del>331.00</del><br><u>397.00</u> | <del>270.00</del><br><u>324.00</u> | <del>209.00</del><br><u>251.00</u> | <del>144.00</del><br><u>173.00</u>  |
| 70,001-72,000 | <del>341.00</del><br><u>409.00</u> | <del>278.00</del><br><u>334.00</u> | <del>215.00</del><br><u>258.00</u> | <del>148.00</del><br><u>178.00</u>  |
| 72,001-74,000 | <del>351.00</del><br><u>421.00</u> | <del>286.00</del><br><u>343.00</u> | <del>221.00</del><br><u>265.00</u> | <del>152.00</del><br><u>182.00</u>  |
| 74,001-76,000 | <del>361.00</del><br><u>433.00</u> | <del>294.00</del><br><u>353.00</u> | <del>227.00</del><br><u>272.00</u> | <del>156.00</del><br><u>187.00</u>  |
| 76,001-78,000 | <del>371.00</del><br><u>445.00</u> | <del>302.00</del><br><u>362.00</u> | <del>233.00</del><br><u>280.00</u> | <del>160.00</del><br><u>192.00</u>  |
| 78,001-80,000 | <del>381.00</del><br><u>457.00</u> | <del>310.00</del><br><u>372.00</u> | <del>239.00</del><br><u>287.00</u> | <del>164.00</del><br><u>197.00</u>  |
| 80,001-82,000 | <del>391.00</del><br><u>469.00</u> | <del>318.00</del><br><u>382.00</u> | <del>245.00</del><br><u>294.00</u> | <del>168.00</del><br><u>202.00"</u> |

And renumber the lines and pages accordingly

#### HOUSE AMENDMENTS TO SB 2250

On page 1 of the reengrossed bill, line 1, after the word "to" insert the words "amend and"

On page 1 of the reengrossed bill, line 2, after the word "and" insert the words "to reenact"

- On page 1 of the reengrossed bill, line 4, delete the word "revenue" and insert in lieu thereof the words "and sell self-liquidating, tax-exempt", and after the second word "of" insert the word "revenue-producing"
- On page 1 of the reengrossed bill, line 23, delete the word "REENACTMENT" and insert in lieu thereof the word "AMENDMENT"
- On page 1 of the reengrossed bill, line 24, after the word "hereby" insert the words "amended and"
- On page 2 of the reengrossed bill, line 1, after the word "sell" insert the words "self-liquidating, tax-exempt"
- On page 2 of the reengrossed bill, line 2, after the word "constructing" insert the word "revenue-producing"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment cleans up the language to make the wording consistent throughout the bill.

#### HOUSE AMENDMENTS TO SB 2271

- On page 1 of the engrossed bill, line 4, after the semicolon insert the words "to amend and reenact section 26.1-02-20 of the North Dakota Century Code, relating to reinsurance;"
- On page 1 of the engrossed bill, underscore lines 8 through 27
- On page 1 of the engrossed bill, line 14, overstrike the word "twenty" and insert in lieu thereof the word "fifteen"
- On page 2 of the engrossed bill, underscore lines 1 through 35
- On page 3 of the engrossed bill, underscore lines 1 through 11
- On page 3 of the engrossed bill, after line 11, insert the following new section:

"SECTION 3. AMENDMENT. Section 26.1-02-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-02-20. Reinsurance permitted - Limitations.  
Except as otherwise provided by this section and



section 26.1-02-22, any insurance company organized or admitted to transact business in this state, including a mutual company, may reinsure any part or all of any risk taken by it in any insurance company or insurer licensed in any state or any insurance company or insurer not so licensed provided it was approved or accepted by the commissioner, if that company or insurer conforms to the same standards of solvency which would be required if, at the time the reinsurance is effected, it was licensed in this state. ~~An insurance company organized admitted to transact business in this state may reinsure a part or all of any risk taken by it in an insurance company or insurer not licensed in any state, if it is approved or accepted by the commissioner.~~ A county mutual insurance company also may reinsure with any other county mutual insurance company. No reinsurance, however, may be effected with any company disapproved therefor by written order of the commissioner filed in the commissioner's office. A domestic insurance company organized to engage in the business of life, accident, or health insurance may not reinsure its risks or any part thereof without complying with chapter 26.1-07."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2306

On page 2 of the engrossed bill, line 5, after the period insert the following sentence: "In addition, the employer may deduct a fee of one dollar per month to cover the employer's expense involved in holding and transmitting the assignment."

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2322

On page 2 of the engrossed bill, line 9, after the word "recover" insert the word "upland" and after the word "game" insert the words "and waterfowl"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2373

On page 1 of the engrossed bill, line 2, delete the words "a new subsection to section 39-06-31,"

On page 1 of the engrossed bill, line 11, delete the words "subsection 1 of section 39-06.1-05,"

On page 1 of the engrossed bill, line 14, delete the numerals "40-05-06,"

- On page 1 of the engrossed bill, line 15, delete the numerals "40-18-12," and delete the numerals "40-18-13" and insert in lieu thereof the numerals "40-18-01"
- On page 3 of the engrossed bill, line 32, delete the word "man" and insert in lieu thereof the word "person"
- On page 4 of the engrossed bill, line 20, after the period insert the words "If the conviction referred to in this section is reversed by an appellate court, the commissioner shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate."
- On page 5 of the engrossed bill, delete lines 1 through 8
- On page 5 of the engrossed bill, line 23, delete the word "sections" and insert in lieu thereof the word "section" and delete the word and numerals "and 39-06-31"
- On page 5 of the engrossed bill, line 30, remove the overstrike over the words "in the county"
- On page 5 of the engrossed bill, line 31, remove the overstrike over the words "wherein the licensee resides unless the department and licensee"
- On page 5 of the engrossed bill, line 32, remove the overstrike over the words "agree that such hearing may be held in some other county" and delete the words "at a time"
- On page 5 of the engrossed bill, line 33, delete the words "and place designated by the commissioner"
- On page 6 of the engrossed bill, line 12, delete the numeral "15" and insert in lieu thereof the numeral "13"
- On page 6 of the engrossed bill, line 22, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 7 of the engrossed bill, line 6, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 8 of the engrossed bill, line 10, delete the word "shall" and insert in lieu thereof the word "may"
- On page 8 of the engrossed bill, line 22, delete the word "shall" and insert in lieu thereof the word "may"

On page 9 of the engrossed bill, delete lines 15 through 23

On page 9 of the engrossed bill, line 29, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 15 of the engrossed bill, line 30, delete the numeral "15" and insert in lieu thereof the numeral "13" and delete the numeral "23" and insert in lieu thereof the numeral "21"

On page 16 of the engrossed bill, line 11, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 16 of the engrossed bill, line 29, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 18 of the engrossed bill, line 5, remove the overstrike over the word "~~er~~"

On page 18 of the engrossed bill, line 8, delete the word "; or" and insert in lieu thereof a period

On page 18 of the engrossed bill, delete lines 9 and 10

On page 19 of the engrossed bill, line 18, after the word "and" insert the following: ", if the test results show a blood alcohol level of at least fifteen one-hundredths of one percent by weight,"

On page 21 of the engrossed bill, line 31, delete the second comma and insert in lieu thereof the word "or", and delete the words ", credit for" and insert in lieu thereof an underscored period

On page 21 of the engrossed bill, delete lines 32 through 35

On page 22 of the engrossed bill, line 20, after the word "used" and before the period insert the words ", and if a breath test is determined by the arresting officer to be the appropriate test, the arresting officer shall, if practicable, permit the person charged to make arrangements for such alternate tests as desired by the person charged, all costs of which are the sole responsibility of the person charged. The arresting officer shall inform the person charged that refusal of the person to submit to the test determined appropriate will result in a suspension for one year of that person's driving privileges"

- On page 22 of the engrossed bill, line 27, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 23 of the engrossed bill, line 14, delete the numeral "29" and insert in lieu thereof the numeral "27"
- On page 23 of the engrossed bill, line 22, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 25 of the engrossed bill, line 13, delete the numeral "28" and insert in lieu thereof the numeral "26"
- On page 25 of the engrossed bill, line 27, after the period insert the words "If the hearing officer has determined in favor of the person, the commissioner shall return the person's operator's license, but is not precluded from challenging the decision of the hearing officer through the process of judicial review."
- On page 26 of the engrossed bill, line 9, after the word "decision" and before the period insert the words "or the person whose operator's license is affected, if the appeal is taken by the commissioner"
- On page 26 of the engrossed bill, line 12, delete the words "from the aggrieved person"
- On page 27 of the engrossed bill, line 28, remove the overstrike over the words "is authorized to" and delete the word "shall"
- On page 29 of the engrossed bill, line 1, remove the overstrike over the word "The" and delete the words "Except as"
- On page 29 of the engrossed bill, line 2, delete the words "provided in subsection 3 of section 39-20-07, the"
- On page 29 of the engrossed bill, line 5, after the word "Liquor" and before the period insert the words ", but the purpose of such evidence shall be limited to the issues of probable cause and the validity of the test results"
- On page 30 of the engrossed bill, line 27, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 31 of the engrossed bill, line 32, delete the numeral "28" and insert in lieu thereof the numeral "26"

On page 32 of the engrossed bill, delete lines 1 through 35 and insert in lieu thereof the following:

"SECTION 29. AMENDMENT. Section 40-18-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-18-01. Jurisdiction of municipal judge. The municipal judge within a city having a population of three thousand or more shall be an attorney licensed to practice law in this state, unless no person so licensed is available in the city, and shall have exclusive jurisdiction of, and shall hear, try, and determine, all offenses against the ordinances of the city. The offices of county judge and municipal judge may not be held by the same person. In a city with a population of less than three thousand, the municipal judge may be, but need not be, an attorney licensed to practice law in this state, nor shall he be required to be a resident of the city in which he is to serve. Notwithstanding any other provision of law, the municipal court or municipal judge shall have no jurisdiction to hear, try, and determine an offense which would be a violation of section 39-08-01 or equivalent ordinance, if the person charged with the offense has previously violated section 39-08-01 or equivalent ordinance within the five years preceding the commission of the offense charged. If such an offense is charged in the municipal court and the municipal judge has notice of a violation of section 39-08-01 or equivalent ordinance within the five years preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice, and direct that the charge be filed against the person in the county court."

On page 33 of the engrossed bill, delete lines 1 through 35

And renumber the lines, sections, and pages accordingly

#### HOUSE AMENDMENTS TO SB 2421

On page 1 of the engrossed bill, line 12, delete the word "his" and insert in lieu thereof the word "the"

And renumber the lines accordingly

#### HOUSE AMENDMENTS TO SB 2473

On page 1 of the reengrossed bill, line 5, after the word "section" delete the words "12.1-23-03, subsection 9

of section 12.1-23-10, and sections" and insert in lieu thereof the words "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."

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

On page 1 of the reengrossed bill, delete lines 12 through 28

On page 2 of the reengrossed bill, delete lines 1 through 21 and insert in lieu thereof the following new section:

"SECTION 1. AMENDMENT. 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, is hereby amended and reenacted to read as follows:

33-06-02. Appearance - Notice of intention to evict - When required - When and how served. In any action for eviction the time specified in the summons for the appearance of the defendant may not be less than three nor more than fifteen days from the date on which it is issued. In all cases arising under subsections 4, 5, and 6 of section 33-06-01, three days' written notice of intention to evict must be given to the lessee, subtenant, or party in possession, before proceedings can be instituted. Such The notice may be served and returned as a summons is served and returned. Service by delivery of a copy of the summons to the defendant in person within the county must be made at least three days before the time fixed for the appearance of the defendant. Service elsewhere or personal service in any other mode must be made at least seven days before the time fixed for the appearance of the defendant."

On page 2 of the reengrossed bill, line 27, delete the word "three" and insert in lieu thereof the word "fifteen", and after the first word "the" insert the words "tenant has vacated the premises after the"

On page 3 of the reengrossed bill, delete lines 5 through 11

On page 3 of the reengrossed bill, after line 11 insert the following new section:

"SECTION 4. 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, sections, and pages accordingly

Very respectfully,

CHARLES FLEMING, Chief Clerk

SECOND READING OF A HOUSE BILL

HB 1683: A BILL for an Act to amend and reenact section 57-15-44 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 22 of section 57-15-10 and section 57-15-44 of the North Dakota Century Code as amended by Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to a city tax levy for acquiring real estate for public buildings.

Which has been read.

SEN. LASHKOWITZ MOVED that HB 1683 be amended as follows:

On page 1 of the engrossed bill, line 15, remove the overstrike over the word "~~two~~" and insert immediately thereafter the words "mills in each year, or, upon approval by a majority vote of the electors of the city at a citywide election, may annually levy a tax not in excess of"

On page 1 of the engrossed bill, line 23, overstrike the word "said" and insert immediately thereafter the word "a", and after the word "levy" insert the words "made by the governing body of the city without approval of a majority vote of the electors of the city"

On page 2 of the engrossed bill, line 11, remove the overstrike over the word "~~two~~" and insert immediately thereafter the words "mills, or, upon approval of a majority vote of the electors of the city at a citywide election, may annually levy a tax not in excess of"

On page 2 of the engrossed bill, line 25, overstrike the second word "the" and insert immediately thereafter the word "a", and after the word "levy" insert the words "made by the governing body of the city without approval of a majority vote of the electors of the city"

And renumber the lines and pages accordingly

SEN. LASHKOWITZ MOVED that the proposed amendments be adopted, which motion lost.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dykshoorn; Fritzell; Goodman; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lips; Lodoen; Maixner; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Todd; Waldera; Wenstrom; Wogsland

NAYS: Adams; David; Dotzenrod; Erickson; Grotberg; Hilken; Lashkowitz; Lee; Leibhan; Matchie; Meyer, D.; Meyer, J.; Moore; Naaden; Parker; Streibel; Tennefos; Tweten; Vosper; Walsh; Wright

ABSENT AND NOT VOTING: Mutch

HB 1683 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM HOUSE

SEN. WRIGHT MOVED that the Senate do not concur in the House amendments to SB 2187 as printed on page 1679 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 2187:

Sens. Stenehjem, Christensen, Kusler

## CONSIDERATION OF MESSAGE FROM HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to SB 2358 as printed on page 1658 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 2358:

Sens. Mutch, Erickson, Dotzenrod

## MOTIONS

SEN. WENSTROM MOVED that the Senate reconsider the action whereby HB 1617 lost, which motion prevailed.

SEN. WENSTROM MOVED that HB 1617 be laid over one legislative day, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2104 has had the same under consideration and recommends that



the HOUSE RECEDE from its amendments and that Engrossed SB 2104 be amended as follows:

On page 1 of the engrossed bill, line 14, delete the words "immediately transport the animal to" and insert in lieu thereof "notify as soon as possible"

On page 1 of the engrossed bill, line 15, delete the words "for inspection and validation"

And renumber the lines and pages accordingly

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

For the House: Reps. Gullickson, W. Williams, Kloubec

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

SB 2104 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 2170 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments and that SB 2170 be amended as follows:

On page 4, line 12, delete the words "one hundred" and insert in lieu thereof the word "fifty"

And renumber the lines accordingly

For the Senate: Sens. Erickson, Kilander, Dotzenrod

For the House: Reps. Goetz, C. Williams, Riehl

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

SB 2170 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 Engrossed HB 1044 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1125 of the Senate Journal and that Engrossed HB 1044 be further amended as follows:

On page 2 of the engrossed bill, line 12, after the period insert the words "Institutions that have not been examined by the commissioner or the state banking board for three years prior to any assessment date shall not be required to pay the assessment."

And renumber the lines and pages accordingly

For the Senate: Sens. Parker, Kilander, Wogsland

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

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

Engrossed HB 1044 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 Engrossed HB 1049 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 698 of the Senate Journal and that Engrossed HB 1049 be further amended as follows:

On page 1 of the engrossed bill, line 14, delete the numeral "\$60.00" and insert in lieu thereof the numeral "\$75.00"

On page 1 of the engrossed bill, line 18, delete the numeral "25.00" and insert in lieu thereof the numeral "35.00"

On page 1 of the engrossed bill, line 22, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 1 of the engrossed bill, line 27, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 2 of the engrossed bill, line 12, delete the numeral "40.00" and insert in lieu thereof the numeral "45.00"

On page 2 of the engrossed bill, line 17, delete the numeral "60.00" and insert in lieu thereof the numeral "75.00"

On page 2 of the engrossed bill, line 27, delete the numeral "20.00" and insert in lieu thereof the numeral "35.00"

On page 2 of the engrossed bill, line 34, delete the numeral "10.00" and insert in lieu thereof the numeral "20.00"

On page 4 of the engrossed bill, line 8, delete the numeral "25.00" and insert in lieu thereof the numeral "30.00"

And renumber the lines accordingly

For the Senate: Sens. Dykshoorn, David, D. Meyer  
For the House: Reps. Brokaw, Melby, A. Meier

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

Engrossed HB 1049 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 Engrossed HB 1661 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1151 and 1152 of the Senate Journal and that Engrossed HB 1661 be further amended as follows:

On page 1 of the engrossed bill, line 15, after the period insert the following sentence: "In no instance shall the board be either all male or all female."

And renumber the lines and pages accordingly

For the Senate: Sens. Wright, Miller Heinrich, Christensen  
For the House: Reps. R. Meiers, A. Olson, Stofferahn

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

Engrossed HB 1661 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2493 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 amend and reenact sections 26-01-11, 26-16-10, 26-27-13, and 26-40-14 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17, 26.1-09-10, 26.1-14-13, and 26.1-17-10 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; and to declare an emergency."

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

SECTION 1. AMENDMENT. If House Bill No. 1054 and House Bill No. 1068 do not become effective, section 26-01-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-01-11. Commissioner of insurance to collect premium tax - Insurance companies generally - ~~Domestic fire insurance companies--~~ Computation - Credits - Penalty.

1. Before issuing the annual certificate required by law, the commissioner of insurance shall collect the following annual taxes from insurance companies doing business within the state:
  - 1- ~~From~~ from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments, membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year; such with respect to life insurance and a tax of one percent of the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, and finance and service charges with respect to all other lines of insurance. The tax to be is payable at the time when the annual statement of business required by law is filed; provided, however, that on or before March first of each year and shall be deposited in the general fund in the state treasury. However, this tax shall not apply to considerations for annuities.
  2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. Such tax shall be collected for the purpose of assisting in the maintenance of the fire marshal's department and shall be

payable on or before March first in each year. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for an amount equal to the examination fees paid to the commissioner under section 26-01-04 and sections 26-01-06 through 26-01-10 and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection may not exceed the total tax liability under subsection 1.

3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of the tax for each day of delay, excepting the first day after the tax became due.

SECTION 2. AMENDMENT. If House Bill No. 1054 does not become effective but House Bill No. 1068 does become effective, section 26-01-11 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-01-11. Commissioner of insurance to collect premium tax - Insurance companies generally - Domestic fire insurance companies-- Computation - Credits - Penalty.

1. Before issuing the annual certificate required by law, the commissioner of insurance shall collect the following annual taxes from insurance companies doing business within the state--
- 1- From every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments,

membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year, such with respect to life insurance and a tax of one percent of the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, and finance and service charges with respect to all other lines of insurance. The tax to be is payable at the time when the annual statement of business required by law is filed, provided, however, that on or before March first of each year and shall be deposited in the general fund in the state treasury. However, this tax shall not apply to considerations for annuities.

2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. Such tax shall be collected for the purpose of assisting in the maintenance of the fire marshal's department and shall be payable on or before March first in each year. The An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid by any as a member of a comprehensive health association under subsection 4 of section 26-16.1-08 is a credit against the premium and income tax for which the member may be liable for the year in which the assessment was paid, a credit for an amount equal to the examination fees paid to the commissioner under section 26-01-04 and sections 26-01-06 through 26-01-10, and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office for over one-half of the year for which the tax is paid. The credits under this

subsection may not exceed the total tax liability under subsection 1.

3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of the tax for each day of delay, excepting the first day after the tax became due.

SECTION 3. AMENDMENT. If House Bill No. 1054 does not become effective, section 26-16-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-16-10. Attorney's license fee and gross premium tax in lieu of other taxes. The attorney, in lieu of all other state, county, or municipal fees and taxes of any and every character in this state, shall pay annually to the state, on account of the transaction of the reciprocal or interinsurance exchange business in this state, a license fee of fifteen dollars and a tax of ~~two and one-half~~ one percent of the gross premiums or deposits collected from subscribers in this state after deducting therefrom all sums returned to such subscribers or credited to their accounts other than for losses.

SECTION 4. AMENDMENT. If House Bill No. 1054 does not become effective, section 26-27-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-27-13. Funds of medical care corporations tax exempt - Insurance premium tax - Law governing charitable organizations applicable. Every corporation subject to the provisions of this chapter is hereby declared to be a charitable and benevolent organization and its funds shall be exempt from taxation by the state or any political subdivision thereof, except for the tax imposed by section 26-01-11. Except as otherwise provided in this chapter, the laws of this state relating to and affecting nonprofit charitable and benevolent corporations shall be applicable to all corporations created under the provisions of this chapter, with the exception that the real property of such corporations shall be subject to taxation.

SECTION 5. AMENDMENT. If House Bill No. 1054 does not become effective, section 26-40-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-40-14. Exemption from taxation. The property, income, premiums, and activities of the company are exempt from all taxes and assessments and from any fees specified for licenses and certifications of the insurance laws with the exception of except for the tax imposed by section 26-01-11 and any assessment made by the insurance guaranty association in the event that an affirmative election is held in accordance with section 26-40-12.

SECTION 6. AMENDMENT. If House Bill No. 1068 does not become effective, section 26.1-03-17 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

26.1-03-17. Commissioner to collect premium tax - Insurance companies generally - ~~Domestic fire companies--~~ Computation - Credits - Penalty.

1. Before issuing the annual certificate required by law, the commissioner shall collect the following annual taxes from insurance companies doing business within the state-
- 1- From from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments, membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year with respect to life insurance and a tax of one percent of the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, and finance and service charges with respect to all other lines of insurance. This tax shall does not apply to considerations for annuities. The tax is payable at the time when the annual statement of business required by law is filed on or before March first of each year and shall be deposited in the general fund in the state treasury.



2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. The tax is collected for the purpose of assisting in the maintenance of the fire marshal's department and is payable on or before March first of each year. An insurance company, nonprofit maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, and 26.1-03-19 through 26.1-03-22 and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection may not exceed the total tax liability under subsection 1.
3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of such tax for each day of delay, excepting the first day after the tax became due.

SECTION 7. AMENDMENT. Section 26.1-03-17 of the North Dakota Century Code as created by House Bill No. 1054 and as amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

26.1-03-17. Commissioner to collect premium tax - Insurance companies generally - Domestic fire companies-- Computation - Credits - Penalty.

1. Before issuing the annual certificate required by law, the commissioner shall collect the following annual taxes from

insurance companies doing business within the state:-

- 1- From from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments, membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year with respect to life insurance and a tax of one percent of the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, and finance and service charges with respect to all other lines of insurance. This tax shall does not apply to considerations for annuities. The tax is payable at the time when the annual statement of business required by law is filed on or before March first of each year and shall be deposited in the general fund in the state treasury.
2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. The tax is collected for the purpose of assisting in the maintenance of the fire marshal's department and is payable on or before March first of each year. The An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid by any as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 is a credit against the premium tax for which the member may be liable for the year in which the assessment was paid, a credit

against the tax due for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, and 26.1-03-19 through 26.1-03-22, and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection may not exceed the total tax liability under subsection 1.

3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of such tax for each day of delay, excepting the first day after the tax became due.

SECTION 8. AMENDMENT. Section 26.1-09-10 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly is hereby amended and reenacted to read as follows:

26.1-09-10. Attorney's license fee and gross premium tax in lieu of other taxes. The attorney, in lieu of all other state, county, or municipal fees and taxes of any and every character in this state, shall pay annually to the state, on account of the transaction of the reciprocal or interinsurance exchange business in this state, a license fee of fifteen dollars and a tax of ~~two and one-half~~ one percent of the gross premiums or deposits collected from subscribers in this state after deducting therefrom all sums returned to the subscribers or credited to their accounts other than for losses.

SECTION 9. AMENDMENT. Section 26.1-14-13 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

26.1-14-13. Exemption from taxation. The property, income, premiums, and activities of the company are exempt from all taxes and assessments and from any fees specified for licenses and certifications of the insurance laws with the exception of except for the

tax imposed by section 26.1-03-17 and any assessment made by the insurance guaranty association in the event that an affirmative election is held in accordance with section 26.1-14-15.

**SECTION 10. AMENDMENT.** Section 26.1-17-10 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

**26.1-17-10. Nonprofit corporation tax exempt - Insurance premium tax - Law governing charitable organizations applicable.** Every nonprofit health service corporation is a charitable and benevolent organization and is exempt from taxation by the state or any political subdivision thereof, except that the tax imposed by section 26.1-03-17 is applicable to a corporation subject to this chapter and the real property of a nonprofit health service corporation is subject to ad valorem taxes and special assessments for special improvements. Except as otherwise provided in this chapter, the laws of this state relating to and affecting nonprofit charitable and benevolent corporations are applicable to all nonprofit health service corporations writing health service contracts.

**SECTION 11. RETROACTIVE APPLICATION.** This Act is retroactive and applies to taxable years beginning after December 31, 1981. A taxpayer who paid the tax imposed by section 26-01-11 on the 1982 premium year or who paid state income tax for the 1982 tax year before the passage and approval of this Act is entitled to a credit against the tax imposed by this Act in an amount equal to the tax paid. The credit shall be applied against the tax imposed for 1982 and any remaining credit shall be applied against the tax imposed for 1983. The credit may not exceed the tax imposed by this Act for 1982 and 1983. If a taxpayer was not subject to the tax imposed by section 26-01-11 before January 1, 1982, the tax imposed by this Act on that taxpayer is payable within sixty days after the effective date of this Act.

**SECTION 12. 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

SEN. GOODMAN, Chairman

SB 2493 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2497 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 word "reenact" insert the words "sections 57-38-29, 57-38-30, and"

On page 1, line 3, after the word "individuals" and before the semicolon insert the words "and corporations"

On page 1, after line 8, insert the following new sections:

"SECTION 1. AMENDMENT. Section 57-38-29 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-29. Rate of tax on individuals. A tax is hereby imposed upon every individual, to be levied, collected, and paid annually with respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

1. On taxable income not in excess of three thousand dollars, a tax of ~~one~~ two percent.
2. On taxable income in excess of three thousand dollars and not in excess of five thousand dollars, a tax of ~~two~~ three percent.
3. On taxable income in excess of five thousand dollars and not in excess of eight thousand dollars, a tax of ~~three~~ four percent.
4. On taxable income in excess of eight thousand dollars and not in excess of twelve fifteen thousand dollars, a tax of ~~four~~ five percent.
5. On taxable income in excess of twelve fifteen thousand dollars and not in excess of thirty twenty-five thousand dollars, a tax of ~~five~~ six percent.
6. On taxable income in excess of thirty twenty-five thousand dollars and not in excess of thirty-five thousand dollars, a tax of seven and ~~one-half~~ percent.

7. On taxable income in excess of thirty-five thousand dollars and not in excess of fifty thousand dollars, a tax of eight percent.

8. On taxable income in excess of fifty thousand dollars, a tax of nine percent.

SECTION 2. AMENDMENT. Section 57-38-30 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-30. Imposition and rate of tax on corporations. A tax is hereby imposed upon the taxable income of every domestic and foreign corporation received from the sources described in sections 57-38-12, 57-38-13, and 57-38-14, which shall be levied, collected, and paid annually as in this chapter provided, and which shall be computed at the following rates:

1. For the first three thousand dollars of taxable income, at the rate of two three percent.
2. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of three four and one-half percent.
3. On all taxable income above eight thousand dollars and not in excess of twenty thousand dollars, at the rate of four six percent.
4. On all taxable income above twenty thousand dollars, and not in excess of thirty thousand dollars, at the rate of five seven and one-half percent.
5. On all taxable income above thirty thousand dollars, and not in excess of fifty thousand dollars, at the rate of six nine percent.
6. On all taxable income above fifty thousand dollars, at the rate of seven ten and one-half percent."

On page 1, line 15, after the word "seven" insert the word "ten", remove the overstrike over the words "and one-half", and delete the word "ten"

On page 1, line 20, delete the word "Section" and insert in lieu thereof the word "Sections", and after the numeral "1" insert the numerals ", 2, and 3"

On page 1, line 21, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 22, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 23, after the first word "of" insert the words "sections 57-38-29, 57-38-30, and", and delete the words "that section" and insert in lieu thereof the words "those sections"

On page 1, line 25, delete the numeral "2" and insert in lieu thereof the numeral "4"

And renumber the lines, sections, and pages accordingly  
SEN. GOODMAN, Chairman

SB 2497 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2498 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2498 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1539 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 HB 1539 printed on pages 1620 and 1621 of the Senate Journal, that HB 1539 be amended as follows:

On page 1 of the engrossed bill, line 22, after the word "~~the~~" and before the period insert the words "from July 1, 1983, through June 30, 1985. After June 30, 1985, the rate of tax imposed under this subsection shall be twelve cents per gallon [3.79 liters]"

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

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

On page 2 of the engrossed bill, line 15, after the word "user" and before the comma insert the words "from July 1, 1983, through June 30, 1985"

- On page 2 of the engrossed bill, line 21, after the period insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 2 of the engrossed bill, line 24, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed"
- On page 2 of the engrossed bill, line 25, delete the words "less than the tax imposed"
- On page 3 of the engrossed bill, line 13, after the word "user" and before the comma insert the words "from July 1, 1983, through June 30, 1985"
- On page 3 of the engrossed bill, line 19, after the word ~~"the"~~ insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 3 of the engrossed bill, line 22, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 3 of the engrossed bill, line 23, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, line 12, after the word "state" and before the period insert the words "from July 1, 1983, through June 30, 1985"
- On page 4 of the engrossed bill, line 13, after the word ~~"the"~~ insert the words "After June 30, 1985, the rate of tax imposed by this subsection shall be twelve cents per gallon [3.79 liters]."
- On page 4 of the engrossed bill, line 17, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 4 of the engrossed bill, line 18, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, delete lines 28 through 35 and insert in lieu thereof the following:

"SECTION 5. Partial distribution to townships. From July 1, 1983, through June 30, 1985, the tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by this Act to the state treasurer who shall deposit the



proceeds in a township highway aid fund in the state treasury. The state treasurer shall quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the miles [kilometers] of township roads in each county compared to the miles [kilometers] of all township roads in the state. To receive any funds under this section, organized townships must provide equal matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide equal matching funds based on the miles [kilometers] of township roads in each such organized township compared to the miles [kilometers] of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county has no organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the number of miles [kilometers] of roads in unorganized townships compared to the number of miles [kilometers] of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide equal matching funds shall be returned to the state treasurer who shall deposit such funds in the highway tax distribution fund."

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

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1539 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 1727 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1727 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Joint Committee on Constitutional Revision to which was referred HCR 3028 has had the same under consideration and recommends that the same DO PASS.

SEN. WENSTROM, Chairman

HCR 3028 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTIONS

SEN. LIPS MOVED that the rules be suspended, that HB 1727 be placed on the Fourteenth order of business, following HB 1038 on the calendar, which motion prevailed.

SEN. GOODMAN MOVED that HB 1727 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

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

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, and after the reading of SB 2498, HB 1052, HB 1617, HB 1627, HCR 3028, and HCR 3029, the Senate adjourn and convene at 10:00 a.m., Friday, March 25, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary