

THURSDAY, APRIL 16, 1987

2535

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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SEVENTY-FIRST DAY

Bismarck, April 16, 1987

The Senate convened at 8:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend A.L.C. Keller, Missouri Slope Nursing Home, Bismarck.

Let us pray.

Our Heavenly Father, this morning we remember that we are in Holy Week. Our Just Man was unjustly tried and finally put to death. Grant to us, O God, the help of Your Holy Spirit that in all we do, we do what is just and pleasing in Your sight. Be with these people who must conduct the business of our government and give them Your help and Your enlightenment that they may do that which will be good for our state and our nation. We ask this in the name of Jesus, our Blessed Savior, Amen.

ROLL CALL

The roll was called and all Senators were present, except Senator Stenehjem.

A quorum was declared by the President Pro Tem.

MOTION

SEN. SATROM MOVED that SB 2558, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1008 as recommended by the Committee on Appropriations as printed on pages 2495-2496 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission of the state of North Dakota.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Stenehjerm

HB 1008 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to HB 1590 as recommended by the Committee on Finance and Taxation as printed on pages 2510-2514 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1590 was rereferred to the Committee on Appropriations.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2036, SB 2103, SB 2259

PERRY GROTEBERG, Secretary

## MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1008 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1008 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

Date of Action: April 1, 1987

Honorable Ben Meier  
Secretary of State  
Bismarck, North Dakota

I hereby certify that the within Act, being Senate Bill No. 2248, together with the objections of His Excellency, Governor George A. Sinner, was returned to the Senate, being the body in which it originated, on the 30th day of March, 1987; that the objections of the Governor were read at length on March 30, 1987, and entered upon the Journal; that, subsequently, the Bill was taken up for reconsideration; the roll was called and the Bill failed to pass, less than two-thirds of the members voting in the affirmative.

Vote: Ayes	27
Nays	26
Absent and not voting	0

ROLLAND REDLIN  
President of the Senate

PERRY GROTEBERG  
Secretary of the Senate

## REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1686 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 21, after the word "first" insert the word "two" and delete the word "year" and insert in lieu thereof the word "years"

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

HB 1686 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Seventieth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2009 as printed on pages 2098-2099 of the Senate Journal, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on SB 2009:

Sens. Tallackson, Shea, Lips

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that Rep. Kent will replace Rep. R. Hausauer on the Conference Committee on HB 1005.

ROY GILBREATH, Chief Clerk

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

HB 1021, HB 1023, HB 1674, HCR 3098

ROY GILBREATH, 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 1015

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2036, SB 2103, SB 2259

ROY GILBREATH, Chief Clerk

## MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1015 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2299-2300 of the Senate Journal and that Engrossed HB 1015 be amended as follows:

That the Senate recede from its amendments as printed on pages 2299-2300 of the Senate Journal and pages 2771-2772 of the House Journal, and that engrossed House Bill No. 1015 be amended as follows:

On page 1 of the engrossed bill, line 16, delete the numerals "1,209,690" and insert in lieu thereof the numerals "1,232,040"

On page 1 of the engrossed bill, line 17, delete the numerals "1,628,237" and insert in lieu thereof the numerals "1,650,587"

On page 1 of the engrossed bill, line 19, delete the numerals "423,813" and insert in lieu thereof the numerals "446,163"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Council on the Arts

That the Senate recede from its amendments and that engrossed House Bill No. 1015 be amended as follows:

The conference committee amendments restore \$22,350 of the \$44,700 general fund reduction in the touring arts program approved by the House.

For the Senate: Sens. Waldera, Shea, Tweten

For the House: Reps. Wald, Rice, Kelly

HB 1015 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2009 and the

President Pro Tem has appointed as a conference committee to act with a like committee from the House on:

SB 2009: Sens. Tallackson, Shea, Lips

PERRY GROTBORG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has amended and subsequently passed:

HB 1008

PERRY GROTBORG, Secretary

#### MOTION

SEN. HEIGAARD MOVED that SB 2480 be moved to the head of the Seventh order on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Engrossed SB 2480 as printed on pages 2491-2494 of the Senate Journal be adopted.

#### REQUEST

SEN. HEIGAARD REQUESTED that his remarks be printed in the Journal, which request was granted.

SEN. HEIGAARD: Changing the bill as we are proposing here today is a substantial concession on the part of those of us who represent the people of the state of North Dakota in the banking law. It's a very unique situation to be changing this at this time and it's a change that I don't think that we will ever have to make again. I appreciate the concern of everyone on what we are now doing in changing this banking law.

I asked to be put on the conference committee because I wanted to find out and be sure in my own mind that, whatever the conference committee did, it would be in the best interests of my constituents and the state of North Dakota.

I share the concerns of the previous speakers. We do not have the protection that we would have liked to have had for the minority stockholders. We do not have the protection that I would like to have had in the area of the grants, but I'm convinced, by sitting on the conference committee, that the bill, as it is here, is probably the best protection that we can give the people of the state of North Dakota. Although we don't have a legal commitment from anyone, I hope that we have a moral commitment on the part of the Bremer Foundation that they will treat the minority stockholders with fairness, that they will treat the state of North Dakota in the way that they have said they would do and give the grants to the state of North Dakota that they have made the commitment to do.

I'm not asking anyone to join me in this vote. I think everyone of us has to do what our conscience says is best or what we think is in the best interest of our constituents and the state of North Dakota. I will be voting for the bill based on those criteria for myself.

I put these remarks in the record and I would hope that these remarks could find their way into the minutes or into the files of the Bremer Foundation so that when it does come time to treating, dealing, with the minority stockholders and considering the grants for the state of North Dakota that they will look and see that when we voted for this, we voted that we would trust the Bremer Foundation to treat these two areas in the fair way that they have assured that they would do.

#### REQUEST

SEN. WRIGHT REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2480, which request was granted.

#### ROLL CALL

The question being on the adoption of the conference committee report on Engrossed SB 2480, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Freborg; Heigaard; Holmberg; Ingstad; Kelly; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Yockim

NAYS: Axtman; Bakewell; Heinrich; Hilken; Keller; Kelsh; Krauter; Maixner; Maxson; Meyer, D.; Meyer, J.; Nelson; Redlin; Richard; Schoenwald; Stromme; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: None

So the report of the conference committee on Engrossed SB 2480 was adopted.

#### SECOND READING OF SENATE BILL

SB 2480: A BILL for an Act to provide for the sale of banks and bank holding companies owned by charitable trusts; to provide an expiration date; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Reiten; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Yockim

NAYS: Axtman; Bakewell; Freborg; Hilken; Keller; Kelly; Kelsh; Krauter; Maixner; Maxson; Meyer, D.; Meyer, J.; Nelson; Redlin; Richard; Schoenwald; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2480 passed, the title was agreed to, but the emergency clause lost.

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#### MESSAGE 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:

HCR 3099

ROY GILBREATH, Chief Clerk

#### REQUEST

SEN. LANGLEY: Mr. President: I request that my remarks be printed in the Journal.

I would like to congratulate Kamille Bachmeier of Esmond, North Dakota, on winning the state spelling bee. Kamille won the state spelling bee competition on April 9, 1987, by correctly spelling the word "mugwumpary".

Kamille competed against two representatives from each of the state's fifty-three counties in the written competition to become one of twenty-nine finalists. She then went on to win the oral competition to win the state championship. She will advance to the National Spelling Bee in Washington, D.C., in May.

I, along with other members of the Fiftieth Legislative Assembly, am very proud of Kamille and her scholastic achievements.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. YOCKIM MOVED that the conference committee report on Engrossed SB 2005 as printed on pages 2517-2519 of the Senate Journal be adopted, which motion prevailed.



## SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the director of institutions of the state of North Dakota and providing for a transfer from the capitol building fund.

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 37 YEAS, 11 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Thane; Wogsland; Yockim

NAYS: Adams; David; Lodoen; Moore; Naaden; Nelson; Tennesos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Nething; Richard; Streibel; Tallackson; Waldera

SB 2005 passed and the title was agreed to.

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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 2009: Reps. Gerntholz, Smette, Laughlin  
ROY GILBREATH, 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 1008 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1008: Reps. Gerntholz, Gunsch, Laughlin  
ROY GILBREATH, Chief Clerk

## MOTION

SEN. HEIGAARD MOVED that SB 2029 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

SEN. MAIXNER MOVED that the conference committee report on Engrossed SB 2079 as printed on pages 2525-2529 of the Senate Journal be adopted, which motion lost on a verification vote.

SEN. STROMME MOVED that the conference committee report on SB 2477 as printed on pages 2521-2522 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2477: A BILL for an Act to create and enact six new sections to chapter 6-09.10 of the North Dakota Century Code, relating to a legal and tax assistance program for financially distressed farmers and small business persons; and to provide an appropriation.

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 35 YEAS, 14 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nothing; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Thane; Tweten; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Kelly; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Richard; Streibel; Tallackson; Waldera

SB 2477 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on HB 1009 as printed on pages 2532-2534 of the Senate Journal be adopted.

## REQUEST

SEN. SCHOENWALD REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1009, which request was granted.

## ROLL CALL

The question being on the adoption of the conference committee report on HB 1009, the roll was called and there were 12 YEAS, 35 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Holmberg; Ingstad; Lips; Meyer, D.; Naaden; Nelson; Olson; Redlin; Reiten; Stenehjelm; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nething; Peterson; Richard; Satrom; Schoenwald; Shea; Stromme; Tennesfos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Heigaard; Streibel; Tallackson; Thane; Waldera; Wogsland

So the report of the conference committee on HB 1009 failed.

## MOTION

SEN. SATROM MOVED that HB 1016 be moved to the foot of the Seventh order on the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. D. MEYER MOVED that the conference committee report on HB 1446 as printed on pages 2520-2521 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to create and enact two new sections to chapter 26.1-21 of the North Dakota Century Code, relating to expenses paid from the state bonding fund for the defense of state employees and assessments against state agencies for the expenses of defending state employees; to amend and reenact section 32-12.1-15 of the North Dakota Century Code, relating to authorization for state agencies to purchase insurance upon approval by the commissioner of insurance; and to provide an appropriation.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten;

Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel;  
 Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper;  
 Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Thane

HB 1446 passed and the title was agreed to.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby the conference committee report on SB 2079 failed to be adopted, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

SEN. HEIGAARD MOVED that the Senate adopt the conference committee report on SB 2079 as printed on pages 2525-2529 of the Senate Journal.

#### REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2079, which request was granted.

#### ROLL CALL

The question being on the adoption of the conference committee report on SB 2079, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heigaard;  
 Heinrich; Hilken; Keller; Kelsh; Krauter; Langley;  
 Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.;  
 Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Redlin;  
 Reiten; Richard; Satrom; Schoenwald; Shea; Stromme;  
 Tallackson; Vosper; Waldera; Wogsland; Yockim

NAYS: Adams; Freborg; Holmberg; Ingstad; Kelly; Lodoen;  
 Mutch; Nalewaja; Nelson; Nething; Olson; Peterson;  
 Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten;  
 Wright

ABSENT AND NOT VOTING: None

So the report of the conference committee on SB 2079 was adopted.

#### SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact subsections 4 and 5 of section 38-08-04, and sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the duties of the industrial commission, the definitions of stripper well property, qualifying

secondary recovery project, and qualifying tertiary recovery project for oil extraction purposes, the definition of average price, the rate of the oil extraction tax, and exemption from the oil extraction tax; and to declare an emergency.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Langley; Lashkowitz; Lips; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright; Yockim

NAYS: Kelsh; Krauter; Lodoen; Mathern; Richard; Schoenwald; Shea; Wogsland

ABSENT AND NOT VOTING: None

SB 2079 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed HB 1548 as printed on page 2521 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1548: A BILL for an Act to amend and reenact sections 57-40.5-01, 57-40.5-02, and 57-40.5-03 of the North Dakota Century Code, relating to the definition of purchase price of aircraft, increasing the rate of tax, and removing the exemption for aircraft upon which aircraft excise tax has once been paid; to provide an effective date; and to declare an emergency.

Which has been read.

#### ROLL CALL

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

**YEAS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Todd; Tweten; Vosper; Waldera; Wright; Yockim

**NAYS:** Tennefos

**ABSENT AND NOT VOTING:** Tallackson; Thane; Wogsland

HB 1548 passed, the title was agreed to, and the emergency clause carried.

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#### MOTIONS

**SEN. HEIGAARD MOVED** that the Senate Journal show that Sens. Streibel, Tallackson, and Waldera were absent on the final passage of SB 2005, SB 2079, SB 2477, and HB 1009 due to a scheduled conference committee meeting on HB 1003, which motion prevailed.

**SEN. HEIGAARD MOVED** that the Senate Journal show that Sens. Wogsland, Thane, and Tallackson were absent on the final passage of HB 1009 and HB 1548 due to a scheduled conference committee meeting, which motion prevailed.

**SEN. HEIGAARD MOVED** that the vote by which SB 2005, SB 2079, SB 2477, SB 2480, HB 1446, and HB 1548 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**SEN. HEIGAARD MOVED** that the rules be suspended and that SB 2005, SB 2079, SB 2477, SB 2480, HB 1446, and HB 1548, be messaged to the House immediately, which motion prevailed.

**SEN. HEIGAARD MOVED** that the Senate stand in recess until 3:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Redlin presiding.

#### REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT:** Your Conference Committee to which was referred Engrossed SB 2468 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2008-2009 of the Senate Journal.

**For the Senate:** Sens. Maxson, Holmberg, Stenehjem

**For the House:** Reps. Aas, Shaft (refused to sign), C. Williams

Engrossed SB 2468 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SB 2005, SB 2079, SB 2477, SB 2480

PERRY GROTBERG, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1446, HB 1548

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

SB 2113, SB 2387, SB 2557

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2113, SB 2387, SB 2557

PERRY GROTBERG, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President Pro Tem signed the following:

HB 1021, HB 1023, HB 1674, HCR 3098

PERRY GROTBERG, Secretary

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1021, HB 1023, HB 1674, HCR 3098

PERRY GROTBERG, Secretary

## REPORT OF CONFERENCE COMMITTEE

SEN. WALDERA MOVED that the conference committee report on Engrossed SB 2029 as printed on page 2519 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission of the state of North Dakota; and providing for an appropriation and transfer of funds from the resources trust fund, bond guarantee fund, the water use fund, and the lands and minerals trust fund.

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; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Satrom

SB 2029 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on HB 1016 as printed on page 2520 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway fund.

Which has been read.



## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: David; Mutch; Tennefos

ABSENT AND NOT VOTING: Satrom

HB 1016 passed and the title was agreed to.

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## MOTION

SEN. HEIGAARD MOVED that HB 1015 be placed on the Seventh order on the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. WALDERA MOVED that the conference committee report on HB 1015 as printed in the Senate Journal of the Seventy-first Legislative Day be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: Bakewell; David; Freborg; Moore; Mutch; Naaden;  
Nelson; Nething; Streibel; Vosper; Wright

ABSENT AND NOT VOTING: Satrom

HB 1015 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1009, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1009:

Sens. Shea, Redlin, Lips

#### MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

#### MESSAGES TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1015, HB 1016

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

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

SB 2029

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has not adopted the conference committee report on HB 1009 and the President Pro Tem has appointed as a new conference committee to act with a like committee from the House on:

HB 1009: Sens. Shea, Redlin, Lips

PERRY GROTEBERG, Secretary

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2013 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2371-2373 of the Senate Journal and that Engrossed SB 2013 be amended as follows:

That the House recede from its amendments, as printed on pages 2259-2261 and 2800-2802 of the House Journal and 2371-2373 of the Senate Journal, and that engrossed Senate Bill No. 2013 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the word "providing" and insert in lieu thereof the words "to provide"

On page 1 of the engrossed bill, line 4, delete the words "to provide for a transfer of the proceeds from"

On page 1 of the engrossed bill, delete line 5

On page 1 of the engrossed bill, line 6, delete the first word "and"

On page 1 of the engrossed bill, line 8, after the word "fund" insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 18, delete the numerals "1,029,455" and insert in lieu thereof the numerals "952,455"

On page 1 of the engrossed bill, line 20, delete the numerals "43,300" and insert in lieu thereof the numerals "38,300"

On page 1 of the engrossed bill, line 21, delete the numerals "540,712" and insert in lieu thereof the numerals "600,712"

On page 1 of the engrossed bill, line 22, delete the numerals "3,400" and insert in lieu thereof the numerals "1,750"

On page 1 of the engrossed bill, line 23, delete the numerals "61,500" and insert in lieu thereof the numerals "30,000"

On page 1 of the engrossed bill, line 27, delete the numerals "9,566,956" and insert in lieu thereof the numerals "9,511,806"

On page 2 of the engrossed bill, line 1, delete the numerals "3,131,856" and insert in lieu thereof the numerals "3,076,706"

On page 3 of the engrossed bill, delete lines 10 through 15 and insert in lieu thereof the following new sections:

"SECTION 7. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the adjutant general not vacate any armories prior to July 1, 1987, and that the adjutant general receive the approval of the budget section of the legislative council prior to vacating any armories during the period beginning July 1, 1987, and ending June 30, 1989.

SECTION 8. EMERGENCY - LEGISLATIVE INTENT. Section 7 of this Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Adjutant General

An analysis of \$55,150 general fund decrease is as follows:

	General Fund Increase (Decrease)
<u>Salaries and wages</u>	
The intent of this amendment is to decrease salaries and wages and not to decrease FTE positions permanently, but to allow the Adjutant General to employ the number of employees deemed necessary within the limits of legislative appropriations	\$(77,000)
<u>Equipment</u>	
Reduces equipment purchases for the new armory or limits replacement of state equipment	(5,000)
<u>Grants</u>	
Restores grants to local armories at a level \$40,000 less than the requested amount; thereby allowing most armories to remain open	60,000
<u>Inauguration</u>	
Reduces inauguration funding	(1,650)
<u>Recruiting and retention</u>	
Reduces recruiting and retention programs	(31,500)
Total increase (decrease)	<u>\$(55,150)</u>

Section 7 pertaining to the sale of the Bismarck National Guard Armory to Bismarck State Community College is deleted.

A new Section 7 is added stating the intent of the Legislative Assembly that the Adjutant General not vacate any armories prior to July 1, 1987, and that the Adjutant General receive the approval of the Budget Section prior to vacating any armories during the 1987-89 biennium.

Section 8 is added. This section is an emergency measure, necessary to prevent the relocation of units prior to July 1, 1987.

For the Senate: Sens. Tallackson, Mushik, Streibel

For the House: Reps. Gunsch, Kingsbury, Graba

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

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed SB 2339 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1542 of the Senate Journal and that Engrossed SB 2339 be amended as follows:

That the House recede from its amendments and that engrossed Senate Bill No. 2339 be amended as follows:

On page 2 of the engrossed bill, line 18, after the word "buildings" insert the words "and by nonprofit organizations excluding trade associations, fraternal organizations, co-ops, and health insurance companies"

On page 2 of the engrossed bill, line 26, after the word "agencies" insert the words ", nonprofit organizations,"

On page 2 of the engrossed bill, line 28, after the word "agency" insert the words ", nonprofit organization,"

On page 3 of the engrossed bill, line 6, remove the overstrike over the word "seven" and delete the word "eleven"

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. W. Meyers, Axtman, Tennefos

For the House: Reps. Martinson, Gorman, Hokana

Engrossed SB 2339 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2113, SB 2387, SB 2557

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2477

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SB 2005, SB 2079, SB 2480

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to create and enact a new section to chapter 50-06 and a new subdivision to subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the creation of a human services board and the power of the governor to appoint a majority of members of certain boards and commissions; to amend and reenact sections 50-06-01, 50-06-01.1, 50-06-01.3, 50-06-01.4, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services board and the structure of the department of human services; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Richard; Satrom; Schoenwald; Streibel; Stromme; Tennesfos; Thane; Todd; Tweten; Waldera; Wogsland; Yockim

NAYS: David; Heigaard; Heinrich; Moore; Naaden; Redlin; Shea; Stenehjem; Tallackson; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1033 passed and the title was agreed to.

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MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1600, and wishes to inform you that it does now concur in the Senate amendments to HB 1600, and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HB 1600.

ROY GILBREATH, 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 1258

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1596: A BILL for an Act to provide for the creation of the budget stabilization fund as a special fund in the state treasury, to provide for the deposit of revenues in the budget stabilization fund, and to provide for transfers from the budget stabilization fund to the state general fund.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Tennefos; Wogsland; Wright; Yockim

NAYS: Holmberg; Ingstad; Lips; Meyer, D.; Mutch; Naaden; Nelson; Nething; Olson; Reiten; Stenehjelm; Streibel; Thane; Todd; Tweten; Vosper; Waldera

ABSENT AND NOT VOTING: None

HB 1596 passed and the title was agreed to.

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HB 1687: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to refund of a portion of sales or use taxes paid for purchases or use of farm machinery repair parts; and to amend and reenact sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code as contained in sections 1 and 4 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, relating to imposition of sales and use taxes on farm machinery repair parts.

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 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Freborg; Heinrich; Holmberg; Ingstad; Kelly; Lashkowitz; Lips; Meyer, D.; Mutch; Nalewaja; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Tallackson; Thane; Todd; Waldera; Wright; Yockim

NAYS: Axtman; David; Dotzenrod; Heigaard; Hilken; Keller; Kelsh; Krauter; Langley; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Richard; Streibel; Stromme; Tennefos; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: None

HB 1687 lost.

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#### MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1033 and HB 1596 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1033 and HB 1596 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the vote by which HB 1687 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1258 has had the same under consideration and



recommends that the SENATE RECEDE from its amendments as found on pages 2148-2149 of the Senate Journal and that Engrossed HB 1258 be amended as follows:

That the Senate recede from its amendments and that engrossed House Bill No. 1258 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "Act" insert the words "to create and enact a new subsection to section 57-38-01 of the North Dakota Century Code, relating to alternative minimum taxable income;", delete the word "subsection" and insert in lieu thereof the word "subsections", and after the numeral "3" insert the word and numeral "and 8"

On page 1 of the engrossed bill, line 2, delete the word "and" and insert in lieu thereof a comma and after the numerals "57-38-01.4" insert the words and numerals ", and section 57-38-30"

On page 1 of the engrossed bill, line 4, after the word "purposes" insert the words ", treatment of federal alternative minimum tax for corporate income tax purposes,"

On page 1 of the engrossed bill, after line 7, insert the following new section:

"SECTION 1. A new subsection to section 57-38-01 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"North Dakota alternative minimum taxable income" in the case of corporations means alternative minimum taxable income as computed under the Internal Revenue Code provisions in effect at the close of the corporation's taxable year, reduced by any interest received from obligations of the United States included in alternative minimum taxable income or in the computation of alternative minimum taxable income on the federal return, as reduced by the federal income tax deduction computed under subdivision c of subsection 1 of section 57-38-01.3, and either increased or decreased by the adjustments provided in subdivisions a and b of subsection 3 of section 57-38-01, with the remaining amount apportioned to North Dakota by the same fraction computed under the provisions of chapter 57-38, 57-38.1, or 57-59."

On page 1 of the engrossed bill, line 8, delete the word "Subsection" and insert in lieu thereof the word "Subsections" and after the numeral "3" insert the word and numeral "and 8"

On page 3 of the engrossed bill, after line 29, insert the following subsection:

- "8. "Taxable income" in the case of individuals, estates, trusts, and corporations shall mean the taxable income as computed for an individual, estate, trust, or corporation for federal income tax purposes under the United States Internal Revenue Code of 1954, as amended, plus or minus such adjustments as may be provided by this act and chapter or other provisions of law. Except as otherwise expressly provided, "taxable income" does not include any amount computed for federal alternative minimum tax purposes."

On page 4 of the engrossed bill, after line 10, insert the following new section:

"SECTION 4. AMENDMENT. Section 57-38-30 of the 1985 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 or the North Dakota alternative minimum 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 greater of the following rates two calculations:

1. a. For the first three thousand dollars of taxable income, at the rate of three percent.
- 2- b. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of four and one-half percent.
- 3- c. On all taxable income above eight thousand dollars and not in excess of twenty thousand dollars, at the rate of six percent.
- 4- d. On all taxable income above twenty thousand dollars, and not in excess of thirty thousand dollars, at the rate of seven and one-half percent.
- 5- e. On all taxable income above thirty thousand dollars, and not in excess of fifty thousand dollars, at the rate of nine percent.

6- f. On all taxable income above fifty thousand dollars, at the rate of ten and one-half percent.

2. Five percent of the North Dakota alternative minimum taxable income. The calculation for North Dakota alternative minimum taxable income applies only if the corporation's federal alternative minimum tax liability exceeds the corporation's regular federal tax liability."

On page 4 of the engrossed bill, line 11, delete the words "This Act is" and insert in lieu thereof the words and numerals "Sections 2 and 3 of this Act are"

On page 4 of the engrossed bill, line 12, after the period, insert the following sentence: "Sections 1 and 4 of this Act are effective for taxable years beginning after December 31, 1988."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Satrom, Dotzenrod, Moore

For the House: Reps. Moore, Belter, Linderman

Engrossed HB 1258 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1008, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1008:

Sens. Yockim, Stromme, Thane

#### MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 7:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

#### MESSAGES TO THE HOUSE

##### SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

HB 1596

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

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

HB 1008: Sens. Yockim, Stromme, Thane

PERRY GROTBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has amended and subsequently passed:

HB 1033

PERRY GROTBERG, Secretary

## SENATE CHAMBER

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

HB 1687

PERRY GROTBERG, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2029

ROY GILBREATH, Chief Clerk

## REPORT OF STANDING COMMITTEE

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2562 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2562 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. MAIXNER MOVED that Senate Rule 601 be suspended and that SB 2562 be placed on the Eleventh order of business, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2562: A BILL for an Act for a contingent appropriation for additional compensation to North Dakota state employees.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 34 YEAS, 14 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Meyer, D.; Mutch; Naaden; Nelson; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Dotzenrod; Meyer, W.; Moore; Nething; Satrom

SB 2562 passed and the title was agreed to.

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## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3099: A concurrent resolution directing the Legislative Council to study real estate licensure requirements for property managers.

Was read the first time.

## MOTION

SEN. MAIXNER MOVED that the rules be suspended, that HCR 3099 be printed, not be referred to committee, be read in its entirety, not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3099: A concurrent resolution directing the Legislative Council to study real estate licensure requirements for property managers.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3099 was declared adopted on a voice vote.

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## MOTION

SEN. MAIXNER MOVED that SB 2468, SB 2013, and SB 2339 be placed on the Seventh order on the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2468 as printed in the Senate Journal of the Seventy-first Legislative Day be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2468:** A BILL for an Act to create and enact a new section to chapter 39-20 of the North Dakota Century Code, relating to death or serious bodily injury caused by a driver under the influence of intoxicating liquor or a controlled substance; and to amend and reenact sections 39-06-31, 39-06.1-05, subdivision a of subsection 3.1 of section 39-06.1-10, sections 39-07-08, 39-07-11 or in the alternative to amend and reenact section 39-07-11 as amended by section 2 of House Bill No. 1323, as approved by the fiftieth legislative assembly, 39-08-01, 39-08-01.2, 39-20-01, subsection 3 of section 39-20-03.1, subsection 3 of section 39-20-03.2, sections 39-20-04, 39-20-06, 54-38-05, and 65-01-11 of the North Dakota Century Code, relating to law enforcement, judicial, and administrative procedures, sanctions, penalties for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and burden of proof in compensation matters; to repeal section 39-06-33.1 of the North Dakota Century Code, relating to the suspension of a driver's license for causing injury or death; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 40 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wogsland; Wright; Yockim

**NAYS:** David; Hilken; Kelsh; Maxson; Meyer, J.; Richard; Schoenwald; Stenehjem; Vosper; Waldera

**ABSENT AND NOT VOTING:** Dotzenrod; Moore; Satrom

SB 2468 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the conference committee report on Engrossed SB 2013 as printed in the Senate Journal of the Seventy-first Legislative Day be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota; and to provide for an appropriation and transfer of funds from the national guard tuition trust fund; to amend and reenact section 37-07.1-06.1 of the North Dakota Century Code, relating to the North Dakota national guard tuition trust fund; and to declare an emergency.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Axtman; Bakewell; David; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Moore

SB 2013 passed, the title was agreed to, and the emergency clause carried.

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MESSAGE FROM THE HOUSE  
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 1544

ROY GILBREATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

SEN. W. MEYER MOVED that the conference committee report on Engrossed SB 2339 as printed in the Senate Journal of the Seventy-first Legislative Day be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact sections 12-48-03.1 and 12-48-06.1 of the North Dakota Century Code, relating to the operation of prison industries, the sale of prison-made products, and the prison industry advisory committee.

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 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Freborg; Ingstad; Moore; Mutch; Nelson; Nething; Streibel; Todd

ABSENT AND NOT VOTING: None

SB 2339 passed and the title was agreed to.

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## MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2013, SB 2339, SB 2468, and SB 2562 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that SB 2013, SB 2339, SB 2468, and SB 2562 be messaged to the House immediately, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred Engrossed HB 1544 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2203-2204 of the Senate Journal and that Engrossed HB 1544 be amended as follows:

That the Senate recede from its amendments as found on pages 2203-2204 of the Senate Journal and on page 2701 of the House Journal, and that engrossed House Bill No. 1544 be amended as follows:



- On page 1 of the engrossed bill, line 3, after the comma insert the words "providing legislative intent regarding energy development impact grants and the energy development impact office,"
- On page 1 of the engrossed bill, line 9, delete the words "coal development impact" and insert in lieu thereof the word "general"
- On page 1 of the engrossed bill, line 10, delete the words "and the oil and gas development impact fund,"
- On page 1 of the engrossed bill, line 17, delete the numerals "3,500,000" and insert in lieu thereof the numerals "2,500,000"
- On page 1 of the engrossed bill, line 19, delete the numerals "8,684,693" and insert in lieu thereof the numerals "7,684,693"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,684,693" and insert in lieu thereof the numerals "2,684,693"
- On page 2 of the engrossed bill, after line 13, insert the following new sections:

"SECTION 5. LEGISLATIVE INTENT - ENERGY DEVELOPMENT IMPACT OFFICE. It is the intent of the legislative assembly that the energy development impact office continue to function as a separate state agency during the 1987-89 biennium.

SECTION 6. LEGISLATIVE INTENT - GRANTS LINE ITEM. The grants line item in section 1 of this Act totaling \$2,500,000 from the general fund is to be used for oil development impact grants."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Energy Development Impact Office

This amendment adds a section of legislative intent that the grants line item of \$2,500,000 from the general fund is for oil development impact grants.

This amendment adds a new section providing legislative intent that the Energy Development Impact Office continue as a separate state agency.

This amendment reduces the grants line item by \$1,000,000 from the general fund for coal development impact grants to be funded

in House Bill No. 1065 from the coal development impact fund. The remaining \$2,500,000 in the grants line item is to be used for oil development impact grants.

**For the Senate:** Sens. Waldera, Yockim, Naaden

**For the House:** Reps. Gunsch, Wald, Hill

HB 1544 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MESSAGE FROM THE HOUSE

##### HOUSE CHAMBER

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

SB 2561

ROY GILBREATH, Chief Clerk

#### MESSAGES TO THE HOUSE

##### SENATE CHAMBER

**MR. SPEAKER:** I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3099

PERRY GROTEBERG, Secretary

##### SENATE CHAMBER

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

SB 2013, SB 2339, SB 2468

PERRY GROTEBERG, Secretary

##### SENATE CHAMBER

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

SB 2562

PERRY GROTEBERG, Secretary

#### MOTIONS

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

**SEN. MAIXNER MOVED** that the Senate be on the Seventh order of business, and at the conclusion of the Seventh order of business, the Senate adjourn and convene at 8:00 a.m., Friday, April 17, 1987, which motion prevailed.

PERRY GROTEBERG, Secretary