

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SEVENTIETH DAY

Bismarck, April 14, 1983  
The House convened at 8:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Reverend Jack Roth, Metro Evangelical Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Aubol, Brokaw, Conmy, Gerl, Goetz, Gorder, Hill, Keller, Lardy, Martinson, Retzer, Rued, Sinner, and Timm.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. LAUGHLIN, Chairman

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1036: Sens. Tennefos, Wenstrom, Grotberg

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1724: Sens. Peterson, Erickson, Waldera

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCR 3097, HCR 3098

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

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

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

## REPORT OF PROCEDURAL COMMITTEE

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

HB 1737

REP. G. MARTIN, Chairman

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

MESSAGES TO THE SENATE  
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 1737

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

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

HB 1022: Reps. Boyle, Erdman, O. Hanson  
SB 2018: Reps. Mertens, Solberg, Peterson

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 1005, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1005: Reps. G. Martin, Lardy, Hausauer

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1004 and HB 1006 which the Senate has amended as follows:

## SENATE AMENDMENTS TO HB 1004

On page 1 of the engrossed bill, line 21, delete the numerals "866,702" and insert in lieu thereof the numerals "861,906"

On page 1 of the engrossed bill, line 28, delete the numerals "2,639,982" and insert in lieu thereof the numerals "2,635,186"

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

"Less budget adjustment 22,004"

On page 2 of the engrossed bill, line 2, delete the numerals "2,239,982" and insert in lieu thereof the numerals "2,213,182"

On page 2 of the engrossed bill, line 5, delete the numerals "2,676,929" and insert in lieu thereof the numerals "2,588,289"

On page 2 of the engrossed bill, line 6, delete the numerals "2,676,929" and insert in lieu thereof the numerals "2,588,289"

On page 3 of the engrossed bill, line 6, delete the numerals "4,916,911" and insert in lieu thereof the numerals "4,801,471"

On page 3 of the engrossed bill, line 8, delete the numerals "6,316,911" and insert in lieu thereof the numerals "6,201,471"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Board of Higher Education

The salaries and wages line item has a net reduction of \$4,796 from the general fund. This will allow funds for

the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$6,489 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$22,004 (two percent) from the general fund. The commissioner shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$22,004 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

#### Reciprocal Agreements

The general fund appropriation is reduced by \$88,640 to delete funds provided by the House for five veterinary medicine positions (\$76,540) and two optometry positions (\$12,100) in the second year of the biennium.

#### SENATE AMENDMENTS TO HB 1006

On page 1 of the engrossed bill, line 15, delete the numerals "1,936,827" and insert in lieu thereof the numerals "1,928,421"

On page 1 of the engrossed bill, line 21, delete the numerals "21,509,310" and insert in lieu thereof the numerals "21,500,904"

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

"Less budget adjustment 49,406"

On page 1 of the engrossed bill, line 22, delete the numerals "7,454,697" and insert in lieu thereof the numerals "7,422,742"

On page 1 of the engrossed bill, line 23, delete the numerals "14,054,613" and insert in lieu thereof the numerals "14,028,756"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of Vocational Education has a net reduction of \$8,406, of which \$3,867 is from the general fund and \$4,539 is from other funds. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after

July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$15,623 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$49,406 (two percent), of which \$21,990 is from the general fund and \$27,416 is from other funds. The director shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$49,406 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

Very respectfully,  
LEO LEIDHOLM, Secretary

#### SPECIAL ORDER OF BUSINESS

REP. PETERSON MOVED that the Assembly go into a special order of business, and that Representative Sanstead be appointed to preside, which motion prevailed.

REP. PETERSON MOVED that a committee of two be appointed to escort Representative Sanstead to the rostrum, which motion prevailed.

SPEAKER KELLY APPOINTED Representatives E. Pomeroy and G. Pomeroy, who then escorted Representative Sanstead to the rostrum to preside.

ACTING SPEAKER SANSTEAD recognized Representative A. Olson who sang "Getting to Know You."

ACTING SPEAKER SANSTEAD recognized Representative Rayl.

REP. RAYL: Thank you, Mr. Speaker, and members of the Forty-eighth Legislative Assembly. We would like to recognize a group of people who have kept everything running smoothly for us here in the assembly for the past three and one-half months. I know several times they have worked into the night and, on occasion, through the night. As a freshman legislator, I have been here at the desk many times with many different questions and I have always found help. As a show of appreciation for their hard work and understanding care of us, I would like to recognize the following people: First of all, Chuck Fleming, who is our Chief Clerk. There are many reasons why we like Chuck. One is that he reads so well. In fact, many of you may not know this, but Chuck has just signed a contract with the Federal Express Company and following this session he will be flying out to California to do some fast pace commercials. Chuck, would you come forward?

The next person we would like to recognize is our Assistant Chief Clerk, Tom Maluski. Tom is a very gracious, helpful, and generally nice man. The reason many of us like him is that he always has a stick of gum that we can borrow. For Christmas one year, Tom received a necktie and that year was 1955. He still wears the tie and this past year received a "1918 Wildest Tie Award". Tom?

The next person we want to recognize is Rob Nelson, who is our Bill Clerk. Rob has given new meaning to a couple of words. One of them is "nervous". Maybe, that's better described as "organized". The other word is "punctual", and I understand that he is never late for the Townhouse cocktail hour. He is there five minutes after the session ends. Rob?

The next person we would like to recognize is Doug Nordby. Doug is our Sergeant-of-Arms and nobody ever says anything nasty about Doug. When he speaks, everyone listens.

Last, but not least, is Chris King, who is our Desk Reporter. Chris never seems to mind when one of us gets up to make some long-winded speech intended for the Journal. She just reaches into her desk and starts playing her 106-piece voodoo set. It is hard to be silly when you talk about someone as gracious as Chris. It is hard to describe what an outstanding job she has done to make us all look so good.

Thank you.

ACTING SPEAKER SANSTEAD recognized Representative Lipsiea.

REP. LIPSIEA: Gentlemen of the assembly: It is my honor to present to Oscar Solberg, one of North Dakota's premier statesmen, former Speaker of the House, former Chairman of Appropriations, Dean of the Democrats, and our dear friend, a small token of our appreciation.

REP. SOLBERG: Thank you, Pete, and thanks to all the members of the assembly. I had no idea I was going to be part of the Hearts and Flowers program. Thank you all.

ACTING SPEAKER SANSTEAD recognized Representative Melby.

REP. MELBY: Mr. Speaker, fellow members of the assembly: I suppose it is entirely fitting that a retired farmer should make a presentation to a tired farmer. We know Bruce is tired, because the other day when his car would not start he had to borrow a tractor to drive up here to the parking lot. So, Bruce, it is with great pleasure that all your fellow Representatives present to you a small token.

ACTING SPEAKER SANSTEAD recognized Representative Gerl.

REP. GERL: Mr. Speaker and members of the assembly: Hey, it's kind of nice up here. If I get defeated, I could change parties, if the Republicans get in again. I don't know Bill Goetz very well and I tried to ask some of the members of the Republican Caucus about Bill Goetz. They say he is quiet, cautious, and methodical. That description also fits Bruce Larson, but, in Bruce's case, is it just a coverup for being backward? It is only on truly rare occasions that one has the opportunity to participate in recognizing extreme sacrifice. On occasion, it is mentioned that someone could have really made something of themselves had they just pursued a different career. Perhaps they simply refused the opportunity to shoulder the burden of responsibility thrust upon those who serve in this body. Bill Goetz is a classic example of someone who is missing life's opportunities. At this point, I would like to say that Representative Conmy was the script writer in part of this.

Now, the nature of the opportunity is of particular interest to those of us, such as Representatives Williams, Melby, Conmy, and myself, who most resemble smurfs. We are life's little people and we are denied greatness through the lack of opportunity to dance with tall partners. Although we seldom express our frustration, imagine being a washed-up smurf type and having to observe a Goetz: long, lean, lanky, and reasonably sane. Therefore, in possible compensation for having to turn down the offer to pose as the centerfold for Weight Watchers magazine, we present this totally inadequate token to the Republican Caucus Chairman, Bill Goetz.

ACTING SPEAKER SANSTEAD recognized Representative G. Pomeroy.

REP. G. POMEROY: Mr. Speaker, members of this assembly, and smurfs: Serving in this legislative assembly with all of you has been a challenging one and it's been challenging for all of us. When we all came to town...it seems like a couple of years ago...and the political observers were noticing that the House was evenly split along party lines, I think the experts thought this would be a session filled with harsh political rhetoric and lack of cooperation. Although in this chamber we have had our differences, moreover, we've had our similarities. I believe that we have disappointed the experts who have expected to see a House deeply divided.

It is my privilege today to present a gift to one individual who truly serves as an example to the rest of us in our struggle to behave less like politicians and more like statesmen. Bill Kretschmar, the riverboat gambler from Venturia, has truly earned the respect and admiration and trust of this assembly. He has earned our respect because he brings a highly intelligent approach to

legislating. I have been fortunate to serve on a committee with Bill the last couple of sessions, and I have appreciated his ability in committee to understand the bills and his willingness to improve them. He has also earned the trust of members of both caucuses, and that is what makes him so special.

Bill has served as the Assistant Floor Leader for the Republican party since, I believe, 1975. He has done so effectively and yet, there is not a Democrat in this assembly who would hesitate one minute in going to Bill and asking for his advice and trusting his good judgment. Bill Kretschmar says he is a man of few words, so I should keep this presentation short, but, Bill, we want you to know we truly believe the words you do choose to use are as good as gold. On behalf of all of your colleagues, we want to thank you for another job well done.

Bill, would you come forward, please?

REP. KRETSCHMAR: Mr. Speaker and ladies and gentlemen of the House: I thank you very much for the kind words and the nice gift. I really believe that serving in this House is its own reward. We need not get other rewards or honors. I truly count all of you as my friends and I really enjoy working with you. It is very enjoyable to serve in this House of Representatives and I have enjoyed it over the years. It is much more enjoyable in January than it is in April, but that is kind of the nature of the system. In my case at least, I really believe this gift is undeserved, but I thank you all for it. I really do believe it should not have been done, but I do hope that my present cost at least \$21.75. Thank you.

ACTING SPEAKER SANSTEAD recognized Representative Kuchera.

REP. KUCHERA: Mr. Speaker, I should tell the House that I was originally asked to make this presentation on the theory that Representative Mushik and I were both veterans. I found that rather odd, since at this point in this session, everyone is a veteran; indeed, most of us can scarcely remember being anywhere else.

When Representative Gerl began to speak, I supposed that it was part of the program that those of us at various heights would explain to others of other heights that we really were not angry with one another because of the difference in the distance we take to get from the floor to the top of our heads. That did not work out very well, and I just decided that the reason is that there is a problem with heights. I was selected to make this presentation because I would be able to explain to Representative Mushik that there is not anything terribly derogatory about being called a smurf and that it is, in fact, (I believe



Representative Mushik can relate to this) a lot like being a munchkin.

Representative Mushik and I have served together, although she has served longer than I have. We have all been impressed by her unfailing dedication to expressing views which are not parochial, and for her never ending advocacy for small programs, small institutions, and small agencies, even when she can do no more than show them as symbols for the concern of all of us for all of our fellows. We have always been impressed by her unfailing ability to identify as the ideal symbol of those smaller activities: the State Industrial School at Mandan. I have been most impressed during this session by something new. We have always known of her vigor and determination in debate, and her unfailing ability always, no matter how hot and heavy things are, to vindicate all the ideals of legislative comedy (that's c-o-m-i-t-y) and her unfailing even disposition. In this session I have been most impressed by the fact that when some of our leaders have to go and run for hours in order to get rid of their frustrations, others have to retire periodically to take a nap, and many of us must resort to strong and barely legal tonics, that Representative Mushik has sustained herself throughout the session with nothing more self-indulgent than massive infusions of herbal tea.

Corliss, it is a great personal privilege to be the one who makes this presentation to you.

REP. MUSHIK: Mr. Speaker, Madam Speaker, members of the legislative desk force, and employees: I came here early this morning and wrote something down, so I am determined to say it. If I took on big projects, I do not know what might happen, Representative Kuchera. It has been a privilege and honor for me to serve in this Forty-eighth Legislative Assembly as the Assistant Majority Leader and I guess I just wanted to get up here to say that, because majority sounds pretty sweet to me. In addition, it has been a pleasure to serve under a woman speaker...a woman of sensitivity, ability, compassion, and intelligence. But, I want Dick to understand that I could apply some of those same qualities to him...almost. Having served in the minority and in the 1977-tied session, and now as a member of the majority, even though it is slim, I have pondered how Democrats have achieved the status at long last, and I was reminded of one of Murphy's laws which is commonly known as Abram's advice. It goes like this: "When eating an elephant, take one bite at a time." I have also found that it works well to adopt Boren's laws of bureaucracy to really make things happen. No. 1, when in doubt, mumble. No. 2, when in trouble, delegate, and when in charge, ponder.

Seriously, I just want you to remember that Theodore Roosevelt said "This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in." I know that all of you who serve here are dedicated to serving North Dakota to the best of your ability and we are all striving to make our state a better place for all of us. I would like to thank the desk force and the employees for their excellent work and dedication. I think they have done a tremendous job. While we often are in adversary positions, thank goodness we end each day as friends. I want to say it has been a rare privilege and opportunity for me to serve in this body and I think of you all as friends. Thank you for your support, help, and friendship.

ACTING SPEAKER SANSTEAD recognized Representative Dotzenrod.

REP. DOTZENROD: I finally made it up here after twelve years.

Mr. Speaker and members of the assembly: It is my pleasure to present a gift to a member with whom I have served since the 1971 session. During that time I have been impressed by his leadership ability and devotion to those causes he supports. He has strongly and resolutely promoted legislation that he believes to be in the best interest of the state of North Dakota. While a young man, he joined the Marines, and we are aware the Marines are trained for hazardous duty. This training for hazardous duty was very beneficial when he later aspired to, and was elected to, the North Dakota Legislature. In the course of defending the correctness of legislation, or calling attention to the flaws in that which he disagreed, he has hurled many a broadside. Needless to say, he has absorbed many a broadside from those opposed to his view. In the true marine tradition, he has been able to take it as well as dish it out.

Earl Strinden is a man of great faith. Faith in the state of North Dakota. Faith in himself. Speaking of faith reminds me of a story that was circulating a year or so ago regarding Representative Strinden. I am sure some of you are familiar with it. The story was that Earl had been seen jogging on the Sheyenne River. Further investigation has revealed that this was not true. He never has jogged on the Sheyenne. I assume this story was started by some mean-spirited political foe. Certainly not a Democrat. I am glad to set the record straight. The truth is: He jogs on the Red River.

Seriously, his awareness of all that is involved in the broad spectrum of state government has made him ideally qualified for the leadership role he has accepted in the past decade. He has had the ability to meet the changing needs of our time with decisive action. Regardless of

political affiliation and recognizing the diversity of opinion expressed by those of both parties, in fairness, we must give tribute and respect to an outstanding personality in the affairs of North Dakota.

Representative Strinden, we are happy to present you with this gift.

REP. STRINDEN: Representative Dotzenrod, Mr. Speaker, Speaker Kelly, Representative Haugland, Representative Solberg, distinguished colleagues of the House of Representatives of North Dakota: Dick and I were very, very pleased when Representative Peterson was selected on the Hearts and Flowers Committee again. Really.

We were wondering as we were sitting there how they were going to get our cars in. Right, Dick? Again, thank you for the privilege of being able to serve with you. I have great affection for the legislative branch of government. It is the people's branch. This is where all the tugs and pulls of a free society serve us. Sometimes, when the daily prayer is given here at this podium, the minister or pastor of the day, asks that we be helped to be free of controversy and of these tugs and pulls. I change that a little bit as I am listening and, in my own mind, I ask the good Lord NEVER to allow us to be free of the controversies and the tugs and pulls that must surface here. It always must surface here. Whatever we do as members of this assembly in years to come, you who will be here, make sure that you always live up to that constitutional responsibility as members of the policymaking branch of government. Let us never let the constitutional responsibilities we have slip to the executive branch or to the judicial branch. Let us be jealous of what we are supposed to do, the powers and the responsibilities that we have here. It is a wonderful honor and privilege to have an opportunity to serve in the House of Representatives in this state and to serve with the wonderful people and the friends that we meet and serve with.

Thank you all so very much.

ACTING SPEAKER SANSTEAD recognized Representative Unhjem.

REP. UNHJEM: Mr. Speaker, fellow members of the assembly and House employees: I have to say I was wondering when we put this screen up here, if there was some way of hiding a car behind that, but I realized it was not big enough for that either, Representatives Strinden and Backes.

It is a privilege for me to have an opportunity to speak on behalf of this assembly in recognizing Majority Leader Dick Backes. I have had the opportunity and privilege of serving with him in this House of Representatives now for

five sessions. After countless years of waiting for the voters of North Dakota to realize his ability, the election of 1982 finally enabled Dick to become the Majority Leader of this House.

He has ably performed in this capacity, dealing fairly with all the members, even the minority. Dick is an old hand in the legislative process. He has not allowed his leadership position as Majority Leader to change his general good nature. While Dick can expound at length on the Democrat position, growl across the aisle at Earl, turn red in the face out of either anger or frustration, what I have always appreciated is how he can then sit down in that chair and joke across the aisle with Earl. That is the situation I wish the cameras would catch and portray more often to the people of our state. I believe it is this ability to keep a sense of perspective, as well as a sense of humor, which is the mark of legislative excellence. Representative Backes, on behalf of the House of Representatives of this Forty-eighth Legislative Assembly, and in recognition of your accomplishments, it gives me a great deal of pleasure to present you with this gift.

REP. BACKES: I dreamed for many years of being Majority Leader and it finally came true. I did not dream I would be the Majority Leader this long though. Truthfully, the third dream would be to be the Majority Leader of a unicameral legislature. Then I would finally get my way.

First, I want to say a special thanks to the employees. I realize this session what a desk force does for you. It makes you look good. A special thanks to the desk force, a special thanks to the rest of the employees. Even more thanks to all of you, minority and majority alike, for the consideration you have shown to me. It has been a real pleasure leading the legislature, even with a two-vote majority, because of the consideration that has been shown to me by all of you and especially by Representative Strinden.

We do have a working relationship. I am sure people do not understand that debate is hard and furious, but you do have to keep your friendship or your perspective when it is all done, and I think we have over the years.

The one thing that has not happened in my career is, I was chairman of the LP&A which remodeled the capitol and these chambers, and everything was done. Everything. Except, we never got the sign up over the minority leader's office. Of course, I did not demand it as Majority Leader. I wanted Earl to know I would give on that as I have been in the leadership committees. Of course, even in the booklet, Earl did not want to be called Minority Leader. I did not want to embarrass him on that. I do know that Earl plays

golf. I know that Democrats do not play golf because it is too expensive a game, so I do have a special gift for Representative Strinden. Why do I get into this every year? I gave him one last year...remember the piggy bank that you could not break into? Well, this one, Earl, no one will know about except members of the legislature, and I know that rumors never leave this House. I have a special gift for Earl that he can wear. Because of his receding hairline, I am sure he does not want to get a burn on his bald spot, so I've got a special gift for Earl. It says "GOP MINORITY LEADER."

REP. STRINDEN: You are seeing this modeled for the first and last time, but I shall cherish it. Thank you very much.

ACTING SPEAKER SANSTEAD recognized Representative E. Pomeroy.

REP. E. POMEROY: You will note that the order of presentations has been to persons in escalating positions of authority and it is my great honor to make a presentation to the ultimate figure of influence in this body, our beloved Dean, Brynhild Haugland. Brynhild, your tenure in this House chamber has resulted in a host of positive accomplishments for this state that we all love. Aside from the innumerable legislative successes you have directed, I am particularly impressed with how you have assisted your young colleagues in this House. Your counsel and example have been extremely valuable to literally generations of North Dakota legislative leaders. For example, you tutored a young Dick Backes back while his hair still had curl. Back when he still had hair. Chuck Fleming drew a great insight from his association with you during his years in this body. This session, Scott Stofferahn has told me how valuable your help has been, and I personally have greatly enjoyed and greatly learned from our friendship.

You have been a great resource to the members of your caucus, you have been a great resource to the members of our caucus. You have never let partisan squabbles interfere with serving the people of this state the best way you knew how. In these final days, we can all benefit very much from this example.

One final observation, in your quiet, consistent, and forceful way, you have pioneered the role for women serving in this legislative branch. The North Dakota House of Representatives can never be called a place where women are seen but not heard, where service is token, and not substantial. I would like to conclude this presentation with a short verse that I wrote especially for you.

"Brynhild, as a token of our love for you,  
For your years of service true,  
You can now go home to Minot "U"

Thank you.

REP. HAUGLAND: Mr. Chairman and fellow legislators: Thank you for your kind words, Representative Pomeroy. They are a joy to hear, even though they are totally undeserved. It has been a pleasure to work with each member of this House. I equally appreciate the many courtesies extended to me and I thank you most sincerely for this generous gift. God bless you all.

ACTING SPEAKER SANSTEAD recognized Representative Opedahl.

REP. OPEDAHL: Mr. Speaker, Madam Speaker, ladies and gentlemen of the House: It is a real privilege for me to share in the Hearts and Flowers presentation. Being a member of the committee, it was my opportunity to pick and choose the most pleasant part. Mine is the enjoyable task to recognize the role women have played in this legislative session. For the first time in fifty years, you gals have captured the Speaker's chair. With your queen, you ladies have been in control, but we have really loved it.

I think it is proper, as this session draws to a close, that we acknowledge with thanks the many contributions you have made in the deliberations of this body. Your presence has left its mark on the voting records of most of us. I recall a story I heard many years ago of a man and wife who prayed together in church one Sunday morning. The husband felt the need to pray openly and spoke out loud and clear. "Oh Lord, make me successful and please keep me humble." A worthy prayer, but his wife felt the need to respond. In a somewhat scolding manner she prayed, "Oh Lord, make my husband successful, but I will keep him humble." It has been quite evident that such prayers are answered in this body. I think, if you just look at Representative Strinden, he has been a lot more humble this time than I have seen him before, and this morning I even thought he was becoming pastoral. When he was up here I thought he was going to give the prayer.

Admittedly, the influence of you ladies in this assembly has greatly exceeded your numbers. We are grateful for the perspective and insight you have given to the work of this assembly. All of you will have many pleasant memories of the session; the session's accomplishments that will remain with you for your lifetime. As a reminder of these memories, this legislative body is happy to present to you very representative ladies, a gift that is symbolic of the year that the ladies showed us they are our equal. You have proved your equality in every respect, but I hope we

can always acknowledge that there is a difference, and may there always be a difference. I shall ask the pages to come forward and distribute the gifts that are an expression of the esteem and affection we cherish for you. I might say that when you have looked at the size of the packages and the gifts that have been distributed, you can realize there was not much money left when it came my turn. We did take a trip to the bookstore and we did look at some booklets there. The titles of some of them read like this: "Strinden's Plan," "Nething's Plan," and "Backes' Plan." Now, I might say this, "Backes' Plan" cost a little bit more than the others.

We did purchase some gifts and I will read out the names: Jean Rayl, Aloha Eagles, Julie Hill, Rosie Black, Dagne Olsen, Alice Olson, Ruth Meiers, Janet Wentz, Judy DeMers, Adella Williams, and Donna Nalewaja.

I do have another little gift. I think probably that it is proper that I take care of it at this time. We felt we should honor one of our beloved Representatives here. He is always very fair. I would say he is ultimately fair. Very, very fair. When he rises to speak sometimes, he lights up like a Christmas tree. He has lots of wheels and he is a great dealer. I think you can guess who it is. We have a little gift for our former speaker, Representative Jim Peterson.

REP. PETERSON: Madam Speaker, Representative Opedahl: Will you attest that this did not come out of the \$21.75?

REP. OPEDAHL: Mr. Speaker: That is absolutely correct. I can make an affidavit to that.

REP. PETERSON: Thank you, Representative Opedahl. I really appreciate it. Thank you, members of the assembly.

ACTING SPEAKER SANSTEAD recognized Representative Mertens.

REP. MERTENS: Before I make the next presentation, I want to assure the people that those of you who think the Hearts and Flowers is a frivolous waste of time, considering the length of this session some of us have been trying to figure out just what is causing the delay and what has been going on here. We have the leadership meeting as usual towards, reaching a compromise and winding up the session. That is taking a little longer than usual. I have attributed it to the fact that they used to meet in their offices and now they are meeting in front of four television cameras. You put four television cameras in front of a politician and you have a long session ahead of you.

It just dawned on me that this is a very important part of the legislative assembly because, in the seven sessions I have served, it is rather a short time after you have the Hearts and Flowers that we adjourn and leave here. We should have had this about a week and a half ago. I think few people that have not served in this body realize that one of the fringe benefits is a deep friendship made during the sixty days, up to eighty days, that we meet here. Friendships with the person that defeated your favorite bill and so forth. It is a respect that is hard to describe. These friendships will last a lifetime, I am sure. From the outside, I am sure that bothers some people. I always liken it to when you are in court, and you are wondering how your particular case is going to come out. All at once your lawyer and his lawyer go out to lunch together. I am sure sometimes the public wonders about that, but that friendship and that ability to argue amongst ourselves and bring the issues to a head, then visit with one another after it is over, is just an absolute integral part of the process.

The next presentation is to the "Coach", as he is fondly known in the Appropriations Committee, and he deserves that title. He started his career as coach of Wahpeton High School and later moved on to assistant football coach at University of North Dakota. When Representative Roy Hausauer and I came into the legislature in 1971, we were both assigned to the Appropriations Committee and you used to get baptized when you went down to the Appropriations Committee. At that time, former Speaker and the Chairman of the Appropriations Committee was Representative Bob Reimers. Another member who had a number of years on the Appropriations Committee was Clark Jenkins. I know many of you serving now remember Clark and Bob.

The first assignment that Roy and I received as a subcommittee was the vocational education board. Somewhere along the line, I think Clark had a pet project he wanted funded and he insisted there must be funds hidden in that vocational education budget that he could get. I can not even remember the project now. I think it was to start a sheep herd to take care of the leafy spurge problem or something. We must have been sent back to the vocational board about seventeen times and they insisted we could find money in that budget. Consequently, Roy and I learned the goal for budgets.

The other thing I remember that session is: If you've ever driven down I-29, you realize that I-29 does not come close to Wahpeton. That happened right before the 1971 session and Roy wanted that highway department budget to find out why I-29 curved around Wahpeton. Ever since then, he has been the expert on highway department budgets.



Representative Roy Hausauer entered the North Dakota House of Representatives in 1971. He has served on the Appropriations Committee these past seven terms. In 1979, he was elected to the Legislative Council and elected chairman. He has served three terms as chairman of the Legislative Council. One of his major goals has been to give North Dakota a strong role in the Council of State Governments. In 1978, and 1979, he served as chairman of the Midwestern Conference of State Governments, and has served on various committees including the budget committee, articles review committee, the governing board of the Midwestern Conference, and on the executive committee of the Council of State Governments. In 1982, he was elected vice chairman of the executive committee and under the bylaws this year, he will become the chairman of the executive committee of the National Council of State Governments.

I wish to say thank you, Roy; North Dakota is proud of you, and would you please come forward and accept your gift.

REP. HAUSAUER: Charlie, this is really a surprise. Mr. Speaker and members of the assembly: I have always enjoyed serving in the legislature during the sessions and during the interim. I am beginning to wonder if there is going to be an interim. In my observation in working with other state governments, our state does rank up there amongst the top of state governments. We are well refined in the management techniques of our state government and also in the efficiency in state government. I am very proud of that and I think we will continue to play that role. Thank you very much.

ACTING SPEAKER SANSTEAD recognized Representative Conmy.

REP. CONMY: Thank you, Mr. Former Presiding Officer of that sometimes misguided group across the hall. Friends, society progresses through experiments. Some succeed, some fail. The difficulty lies in distinguishing between the two. Fifty years ago, North Dakota experimented with a woman Speaker of the House. Whether because of, or in spite of, the previous experience, we again have a woman Speaker. The experiment this year, however, is that the Speaker is a Democrat. Some of us feel that conducting this experiment every six years is inappropriate. Many people, particularly the women in this assembly, view Tish's election as something of historical significance. I do not. Patricia Jane Greeley Kelly was unanimously elected as our Speaker. We like to think we recognize and reward excellence. On occasion, we succeed.

Ladies, I want to chide you gently for accepting a gift this morning, simply for being "woman." To be fair, and I

hate to be fair, treat it simply as a belated recognition of your excellence and your intelligence long overdue.

I have two presentations to make. One is of great significance. It is a blue cow from the Dag-Pat herd. It specifically requested manumission after the field trip to the Speaker's desk. Tish, I want to caution you to be aware of rustlers for two reasons. One, I stole the cow in the first place, and second, Dagne did not dare register our brand.

The second presentation is not of the same elevated status. I had asked the pages to please appear looking diligent, daring, and decorous, and do your thing. I should tell you that Chairman Peterson's preliminary plan called for the award of the front one-third of the chamber, including Chuck Fleming as a lifetime personal valet. The committee rejected this as not sufficient.

Seriously, Tish, join us. To Tish, our friend and professional colleague, and not having a damn thing to do with extraneous biological fact, in recognition of your ability, and innate decency, and your professional competence, a token of appreciation from your friends. Thank you.

**SPEAKER KELLY:** That is a rather large gold watch. I do not know how I am going to get it home. I was expecting something a wee bit smaller. Mr. Speaker, Representatives Backes, Strinden, Mushik, Kretschmar, my colleagues, one and all. I want to thank you for this truly lovely gift. I just am absolutely stunned. I want to also thank the desk force, Chris and Chuck, Rob, Tom, all the House employees, who I think have done such an excellent job. It has been a real pleasure to see that we can really put something together and that our staff and all the desk force and the committee clerks turned out to do such a good job. We are really pleased about that.

I have enjoyed being your Speaker this session. It was a great challenge and never boring. What I appreciated most was your vote of confidence in my ability to wield the gavel fairly. I hope I have done that. I hope you have perceived that I have done that and my every intention was that I would do that. Many thanks to all of you for your friendship, your good humor. Your good nature always prevailed even when we had some very adverse days. Many thanks to all of you, once again.

**ACTING SPEAKER SANSTEAD** recognized Representative A. Olson who sang "May the Good Lord Bless You and Keep You."

**REP. PETERSON MOVED** that the special order of business be dissolved, which motion prevailed.

## MOTION

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

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

## REPORT OF PROCEDURAL COMMITTEE

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

HB 1420, HB 1643, HB 1693, HCR 3094, HCR 3095

REP. G. MARTIN, Chairman

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

## CONSIDERATION OF MESSAGES FROM SENATE

REP. MERTENS MOVED that the House do not concur in the Senate amendments to HB 1004 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1004:

Reps. Mertens, G. Martin, Peterson

REP. MERTENS MOVED that the House do not concur in the Senate amendments to HB 1006 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1006:

Reps. Horgan, Sanstead, Hausauer

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1005: Sens. Thane, Lips, Grotberg

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HCR 3099, HCR 3100

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2073, SB 2431

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2095, SB 2144, SB 2197

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2313, and subsequently passed the same.

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

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

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1420, HB 1643, HB 1693, HCR 3094, HCR 3095

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1420, HB 1643, HB 1693, HCR 3094, HCR 3095

Very respectfully,  
CHARLES FLEMING, Chief Clerk

THURSDAY, APRIL 14, 1983

2745

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

HB 1420, HB 1643, HB 1693, HCR 3094, HCR 3095

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1004 and HB 1006, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1004: Reps. Mertens, G. Martin, Peterson

HB 1006: Reps. Horgan, Sanstead, Hausauer

Very respectfully,  
CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

April 14, 1983

The Honorable Tish Kelly  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Madam Speaker:

In 1981 the Legislative Assembly passed House Bill 1654 which created the North Dakota Centennial Commission. That bill provided that the Commission's expenses would be payable from the governor's budget, within the limitation of legislative appropriations.

Since the Centennial Commission created in 1981 terminates at the end of the 1981-83 biennium, the 1983 Legislative Assembly reestablished the Commission by passage of House Bill 1421. House Bill 1421 broadens the powers and duties of the Commission and provides for a termination date of June 30, 1991.

Section 10 of House Bill 1421 appropriates \$56,670 from the general fund to defray the expenses of the Centennial Commission. While I recognize the importance of the Commission, our Centennial does not occur until 1989 and, therefore, the general fund should not support this appropriation at this time. The

governor's office budget (Senate Bill 2001) already contains \$10,000 for the purpose of financing the Commission. In addition, section 7 of House Bill 1421 authorizes the Commission to accept and expend any grant, devise, bequest, donation, gift, assignment of money or other property or income which accrues to the Commission. I encourage the Commission to seek funds under this section from the private sector.

House Bill 1421 is therefore signed as approved with the exception of section 10 which I veto.

Sincerely,

ALLEN I. OLSON  
Governor

#### MOTION

REP. BACKES MOVED that HB 1421 be placed on tomorrow's calendar for the purpose of reconsideration as a vetoed message, pursuant to Section 79 of the Constitution of the State of North Dakota, which motion prevailed.

#### MOTION

REP. BACKES MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

#### REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:50 p.m., April 14, 1983:

HB 1420, HB 1643, HB 1693

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 2:52 p.m., April 14, 1983:

HCR 3094, HCR 3095

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that the following bills vetoed by the Governor and sustained by the House were delivered to the

Secretary of State at the hour of 3:35 p.m., April 14, 1983. The vote on:

HB 1367:	28 yeas,	74 nays,	4 absent and not voting
HB 1439:	56 yeas,	48 nays,	2 absent and not voting
HB 1478:	41 yeas,	54 nays,	11 absent and not voting
HB 1575:	56 yeas,	48 nays,	2 absent and not voting
HB 1725:	56 yeas,	48 nays,	2 absent and not voting

REP. G. MARTIN, Chairman

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

#### MOTIONS

REP. MARTINSON MOVED that the House reconsider its action whereby HB 1728 failed to pass, which motion prevailed.

REP. MARTINSON MOVED that the House reconsider its action whereby the amendments to HB 1728, as recommended by the minority of the Committee on Finance and Taxation failed to pass, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

The question being on the adoption of the amendments to HB 1728 as recommended by the minority of the Committee on Finance and Taxation as printed on pages 1257 and 1258 of the House Journal, which motion prevailed.

#### MOTION

REP. BACKES MOVED that the rules be suspended and that HB 1728 be placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1728: A BILL for an Act to create and enact a new section to chapter 57-60 of the North Dakota Century Code, providing a minimum tax payable by electrical generating plants; and to amend and reenact subsection 2 of section 57-33.1-02 and sections 57-60-02, 57-60-04, 57-60-05, and 57-60-14 of the North Dakota Century Code, imposing an additional tax on electrical generating plants and providing for deposit of funds from the additional tax in the state general 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 88 YEAS, 16 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Goetz; Gorder; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill;

Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meiers, R.; Melby; Mertens; Meyer, R.; Moore; Murphy; Mushik; Nalewaja; Olafson; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: DuBord; Gerl; Gullickson; Gunsch; Keller; Koehn; Martinson; Meier, A.; Meyer, W.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Thompson; Watne; Whalen

ABSENT AND NOT VOTING: Lardy; Lipsiea

HB 1728 passed and the title was agreed to.

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#### REPORT OF SELECT COMMITTEE

REP. NOWATZKI MOVED that the conference committee report on HB 1386 as printed on pages 2723 and 2724 of the House Journal be adopted, which motion prevailed.

#### MOTION

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

#### SECOND READING OF HOUSE BILL

HB 1386: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, to permit the award of cash prizes not exceeding five hundred dollars in raffles.

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 74 YEAS, 26 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gates; Gerl; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kloubec; Koski; Kretschmar; Kuchera; Lang; Larson, B.; Larson, R.;



Lautenschlager; Linderman; Lloyd; Martin, C.;  
 Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens;  
 Meyer, R.; Moore; Murphy; Mushik; Nalewaja; Nowatzki;  
 O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier;  
 Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl;  
 Riley; Sanstead; Schneider; Schoenwald; Shockman;  
 Stofferahn; Swiontek; Timm; Unhjem; Williams, A.;  
 Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Black; DuBord; Gorder; Gullickson;  
 Hoffner, Serenus; Kent; Kingsbury; Knudson; Koehn;  
 Laughlin; Melby; Meyer, W.; Olafson; Olson, A.; Retzer;  
 Rued; Schindler; Shide; Solberg; Thompson;  
 Vander Vorst; Vig; Watne; Wentz; Whalen

ABSENT AND NOT VOTING: Lardy; Lipsiea; Nicholas;  
 Richard; Sinner; Strinden

HB 1386 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1031 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2209 of the House Journal and that Engrossed HB 1031 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "1,820,582" and insert in lieu thereof the numerals "1,821,358"

On page 1 of the engrossed bill, line 21, delete the words "appropriation from motor vehicle", and delete the numerals "4,658,244" and insert in lieu thereof the numerals "4,659,020"

On page 1 of the engrossed bill, line 22, delete the words "registration fund" and insert in lieu thereof the following new line:

"Less budget adjustment 84,042"

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

"Total appropriation from motor vehicle \$4,574,978  
 registration fund"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Motor Vehicle Department

The salaries and wages line item has a net increase of \$776 from other funds. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$21,448 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$84,042 (two percent) from other funds. The registrar shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$84,042 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Nelson, Tennefos, Heigaard

For the House: Reps. Opedahl, Sanstead, O. Hanson

REP. OPEDAHN MOVED that the report be adopted.

**MOTION**

REP. BACKES MOVED that consideration of the conference committee report on HB 1031 be laid over one legislative day, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

MADAM SPEAKER: Your Conference Committee to which was referred SB 2095 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2359-2362 of the House Journal and that SB 2095 be amended as follows:

On page 1 of the engrossed bill, line 2, after the first comma insert the word "and", and delete the numerals ", 57-50-01, 57-50-03.1, 57-50-05, and 57-54-08"

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

On page 1 of the engrossed bill, line 4, delete the words "derived alcohol motor vehicle fuel tax fund" and insert in lieu thereof the following: ", and to amend and reenact sections 57-43.1-02, 57-43.1-03, 57-43.1-06, and 57-43.1-08 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes"

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

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

On page 3 of the engrossed bill, delete lines 7 through 35 and insert in lieu thereof the following new sections:

"SECTION 4. AMENDMENT. Section 57-43.1-03 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax provided for - Reduction for agriculturally derived ~~aleeshel motor vehicle~~ fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this section, the amount of the tax paid by him upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by one-eighth one-half cent per gallon [3.79 liters] retroactive to January 1, 1983, except those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the one-eighth one-half cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived ~~aleeshel motor vehicle~~ fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under the provisions of section 57-43.1-11 shall be charged one-eighth one-half cent per gallon [3.79 liters] by the dealer and the one-eighth one-half cent charge shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

The refunds provided under this section from July 1, 1981, through June 30, 1983, for all fuels taxed under this chapter and chapter 57-43.2 except those fuels used in aircraft or with respect to refunds claimed under section 57-43.1-08, shall be reduced by one cent per gallon [3.79 liters]. This one cent per gallon [3.79 liters] not refunded during the period July 1, 1981, through June 30, 1983, shall be transferred to township road and bridge funds or

to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles {kilometers} of township roads within the organized or unorganized township as compared with the total number of miles {kilometers} of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase roadbuilding or road maintenance equipment. The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this allocation to townships during the 1981-1983 biennium.

**SECTION 5. AMENDMENT.** Section 57-43.1-06 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

**57-43.1-06. Refund to prevent double taxation - Reduction for agriculturally derived ~~alcohol motor vehicle~~ fuel tax fund.** Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by this chapter or chapter 57-43.2 has been paid who thereafter removes the fuel from this state to a state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to this chapter or chapter 57-43.2. The refund of tax paid pursuant to this chapter shall be reduced by the amount provided in section 57-43.1-03, and the reduction shall be deposited in the agriculturally derived ~~alcohol motor vehicle~~ fuel tax fund. The refund shall be granted only upon application to the commissioner on forms prescribed by the commissioner, including proof of payment of the tax imposed by the other state, and is subject to the limitations provided in section 57-43.1-05. The tax provided for in section 57-43.2-03 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

**SECTION 6. AMENDMENT.** Section 57-43.1-08 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

**57-43.1-08. Refund to state or political subdivision.** When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any political subdivision

in the state and where public funds of the United States, state, or any political subdivision are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel is subject to a refund of the tax paid on the fuel as provided for in this chapter and under the same terms and conditions. The refund provided for in this section shall not be reduced for deposit to the agriculturally derived ~~state~~ motor vehicle fuel tax fund."

On page 4, delete lines 1 through 35

On page 5, delete lines 1 through 35

On page 6, delete lines 1 through 9

And renumber the lines and pages accordingly

For the Senate: Sens. Vosper, Bakewell, Wogsland

For the House: Reps. Riehl, Laughlin, Timm (refused to sign)

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

#### MOTION

REP. HORGAN MOVED that SB 2095 be laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2144 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1972 of the House Journal.

For the Senate: Sens. Erickson, Mutch, Dotzenrod

For the House: Reps. Aubol, Schneider, Olafson

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

#### SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 39-04-14 of the North Dakota Century Code, relating to renewal of registration; to repeal section 39-04-15.1, subsection 2 of section 39-04-23, section 39-04-25, and chapter 39-04.1 of the North Dakota Century Code, relating to the installment registration of certain vehicles, seasonal registration of passenger buses, reduction of vehicle gross weight, and additional fees assessed on certain motor vehicles.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Lardy; Lipsiea; O'Shea; Riehl

SB 2144 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2197 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1976-1982 of the House Journal and that Engrossed SB 2197 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "reenact" insert the words "section 39-04-14.1,"

On page 1 of the engrossed bill, line 2, after the numerals "39-04-19" insert a comma

On page 1 of the engrossed bill, line 3, after the word "to" insert the words "staggered registration of certain motor vehicles,"

On page 1 of the engrossed bill, line 4, after the word "vehicle" and before the period insert the words "; and to provide an effective date"

On page 1 of the engrossed bill, after line 6, insert the following new section:

"SECTION 1. AMENDMENT. Section 39-04-14.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-14.1. Renewal of passenger motor vehicle registration of motor vehicles under certain weight. Every passenger motor vehicle registration under this chapter shall expire March thirty-first each year and shall be renewed annually upon application by the owner and by payment of the fees required by law; such renewal to take effect on the first day of April each year. An owner who has made proper application for renewal of registration of a passenger motor vehicle previous to April first but who has not received the number plates, plate, or registration card for the ensuing year shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time, to be prescribed by the department, as may be required for the issuance of such new plates. Except as otherwise provided in this section, the registration of a motor vehicle whose gross weight does not exceed ten thousand pounds [4535.92 kilograms] expires on the last day of the month which is the anniversary of the month it was originally registered. The registration may be renewed annually on application by the owner and payment of fees required by law. The renewal takes effect on the first day of the first month of the registration period. An owner of more than one vehicle qualifying for staggered registration under this section may renew all of the owner's vehicles in the same month. The registrar shall prorate the registration fees accordingly."

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	1st, 2nd, and 3rd	4th, 5th, and 6th	7th, 8th, and 9th	10th and Subsequent
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<u>Weights</u>	<u>Years</u>	<u>Years</u>	<u>Years</u>	<u>Years</u>
<u>Gross</u> <u>Weights</u>	<u>1st, 2nd,</u> <u>3rd, and 4th</u> <u>Years</u>	<u>5th, 6th,</u> <u>and 7th</u> <u>Years</u>	<u>8th, 9th,</u> <u>and 10th</u> <u>Years</u>	<u>11th and</u> <u>Subsequent</u> <u>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
<u>Less than 3,200</u>	<u>44.00</u>	<u>36.00</u>	<u>28.00</u>	<u>20.00</u>
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 <u>64.00</u>	50.00 <u>52.00</u>	39.00 <u>40.00</u>	28.00 <u>28.00</u>
4,500-4,999	77.00 <u>82.00</u>	62.00 <u>65.00</u>	48.00 <u>50.00</u>	34.00 <u>34.00</u>
5,000-5,999	105.00 <u>113.00</u>	85.00 <u>91.00</u>	65.00 <u>69.00</u>	45.00 <u>47.00</u>
6,000-6,999	135.00 <u>146.00</u>	109.00 <u>117.00</u>	83.00 <u>88.00</u>	57.00 <u>60.00</u>
7,000-7,999	165.00 <u>179.00</u>	133.00 <u>143.00</u>	101.00 <u>108.00</u>	69.00 <u>73.00</u>
8,000-8,999	195.00 <u>212.00</u>	157.00 <u>170.00</u>	119.00 <u>128.00</u>	81.00 <u>86.00</u>
9,000 and over	225.00 <u>245.00</u>	181.00 <u>196.00</u>	137.00 <u>148.00</u>	93.00 <u>99.00</u>

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.



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].

- 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 Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
<u>Gross Weights</u>	<u>1st, 2nd, 3rd, and 4th Years</u>	<u>5th and 6th Years</u>	<u>7th and 8th Years</u>	<u>9th and Subsequent Years</u>
<u>0- Not over 4,000</u>	<u>\$31.00</u> <u>42.00</u>	<u>\$26.00</u> <u>29.00</u>	<u>\$21.00</u> <u>24.00</u>	<u>\$20.00</u> <u>21.00</u>
4,001- 6,000	<u>36.00</u> <u>47.00</u>	<u>30.00</u> <u>34.00</u>	<u>25.00</u> <u>28.00</u>	<u>20.00</u> <u>22.00</u>
6,001- 8,000	<u>41.00</u> <u>52.00</u>	<u>34.00</u> <u>39.00</u>	<u>28.00</u> <u>32.00</u>	<u>20.00</u> <u>23.00</u>
8,001-10,000	<u>46.00</u> <u>57.00</u>	<u>39.00</u> <u>44.00</u>	<u>31.00</u> <u>36.00</u>	<u>21.00</u> <u>25.00</u>
10,001-12,000	<u>52.00</u> <u>62.00</u>	<u>43.00</u> <u>49.00</u>	<u>34.00</u> <u>40.00</u>	<u>23.00</u> <u>27.00</u>
12,001-14,000	<u>57.00</u> <u>67.00</u>	<u>47.00</u> <u>54.00</u>	<u>37.00</u> <u>44.00</u>	<u>25.00</u> <u>30.00</u>
14,001-16,000	<u>67.00</u> <u>72.00</u>	<u>56.00</u> <u>59.00</u>	<u>45.00</u> <u>48.00</u>	<u>32.00</u> <u>33.00</u>
16,001-18,000	<u>72.00</u>	<u>60.00</u>	<u>48.00</u>	<u>34.00</u>

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	<u>77.00</u>	<u>64.00</u>	<u>52.00</u>	<u>35.00</u>
18,001-20,000	<u>78.00</u> <u>80.00</u>	<u>65.00</u> <u>67.00</u>	<u>52.00</u> <u>54.00</u>	<u>36.00</u> <u>36.00</u>
20,001-22,000	83.00	69.00	55.00	37.00
22,001-24,000	88.00	73.00	58.00	39.00

## YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001- 26,000	\$ 186.00	\$ 151.00	\$ 133.00
26,001- 28,000	221.00	179.00	158.00
28,001- 30,000	256.00	207.00	182.00
30,001- 32,000	296.00	240.00	212.00
32,001- 34,000	331.00	268.00	236.00
34,001- 36,000	366.00	296.00	261.00
36,001- 38,000	401.00	324.00	285.00
38,001- 40,000	436.00	352.00	310.00
40,001- 42,000	471.00	380.00	334.00
42,001- 44,000	506.00	408.00	359.00
44,001- 46,000	541.00	436.00	383.00
46,001- 48,000	576.00	464.00	408.00
48,001- 50,000	611.00	492.00	432.00
50,001- 52,000	656.00	530.00	467.00
52,001- 54,000	691.00	558.00	491.00
54,001- 56,000	726.00	586.00	516.00
56,001- 58,000	761.00	614.00	540.00
58,001- 60,000	796.00	642.00	565.00
60,001- 62,000	831.00	670.00	589.00

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62,001- 64,000	866.00	698.00	614.00
64,001- 66,000	901.00	726.00	638.00
66,001- 68,000	936.00	754.00	663.00
68,001- 70,000	971.00	782.00	687.00
70,001- 72,000	1,006.00	810.00	712.00
72,001- 74,000	1,041.00	838.00	736.00
74,001- 76,000	1,076.00	866.00	761.00
76,001- 78,000	1,111.00	894.00	785.00
78,001- 80,000	1,146.00	922.00	810.00
80,001- 82,000	1,181.00	950.00	834.00
82,001- 84,000	1,215.00	1,010.00	884.00
84,001- 86,000	1,251.00	1,070.00	934.00
86,001- 88,000	1,291.00	1,130.00	984.00
88,001- 90,000	1,461.00	1,190.00	1,034.00
90,001- 92,000	1,531.00	1,250.00	1,084.00
92,001- 94,000	1,601.00	1,310.00	1,134.00
94,001- 96,000	1,671.00	1,370.00	1,184.00
96,001- 98,000	1,741.00	1,430.00	1,234.00
98,001-100,000	1,811.00	1,490.00	1,284.00
100,001-102,000	1,881.00	1,550.00	1,334.00
102,001-104,000	1,951.00	1,610.00	1,384.00
104,001-105,500	2,021.00	1,670.00	1,434.00

<u>Gross</u> <u>Weights</u>	<u>1st, 2nd, 3rd</u> <u>4th and 5th</u> <u>Years</u>	<u>6th, 7th, 8th</u> <u>9th and 10th</u> <u>Years</u>	<u>11th and</u> <u>Subsequent</u> <u>Years</u>
20,001- 22,000	\$ 110.00	\$ 84.00	\$ 71.00
22,001- 26,000	162.00	132.00	116.00
26,001- 30,000	223.00	181.00	159.00

<u>30,001- 34,000</u>	<u>289.00</u>	<u>234.00</u>	<u>206.00</u>
<u>34,001- 38,000</u>	<u>350.00</u>	<u>283.00</u>	<u>249.00</u>
<u>38,001- 42,000</u>	<u>411.00</u>	<u>332.00</u>	<u>291.00</u>
<u>42,001- 46,000</u>	<u>472.00</u>	<u>380.00</u>	<u>334.00</u>
<u>46,001- 50,000</u>	<u>533.00</u>	<u>429.00</u>	<u>377.00</u>
<u>50,001- 54,000</u>	<u>603.00</u>	<u>487.00</u>	<u>428.00</u>
<u>54,001- 58,000</u>	<u>664.00</u>	<u>536.00</u>	<u>471.00</u>
<u>58,001- 62,000</u>	<u>725.00</u>	<u>585.00</u>	<u>514.00</u>
<u>62,001- 66,000</u>	<u>786.00</u>	<u>633.00</u>	<u>557.00</u>
<u>66,001- 70,000</u>	<u>847.00</u>	<u>682.00</u>	<u>599.00</u>
<u>70,001- 74,000</u>	<u>908.00</u>	<u>731.00</u>	<u>642.00</u>
<u>74,001- 78,000</u>	<u>969.00</u>	<u>780.00</u>	<u>685.00</u>
<u>78,001- 82,000</u>	<u>1,030.00</u>	<u>829.00</u>	<u>728.00</u>
<u>82,001- 86,000</u>	<u>1,153.00</u>	<u>934.00</u>	<u>815.00</u>
<u>86,001- 90,000</u>	<u>1,275.00</u>	<u>1,038.00</u>	<u>902.00</u>
<u>90,001- 94,000</u>	<u>1,397.00</u>	<u>1,143.00</u>	<u>989.00</u>
<u>94,001- 98,000</u>	<u>1,519.00</u>	<u>1,248.00</u>	<u>1,077.00</u>
<u>98,001-102,000</u>	<u>1,641.00</u>	<u>1,352.00</u>	<u>1,164.00</u>
<u>102,001-105,500</u>	<u>1,763.00</u>	<u>1,457.00</u>	<u>1,251.00</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 to more than 20,000~~ but not more than 82,000 pounds [~~10886.66 to more than 9071.84~~ but not more than 37194.57 kilograms] which are used as farm vehicles only, ~~shall be~~ are entitled to registration pursuant to under the following fee schedule and the provisions of this subsection. Farm vehicles ~~shall be~~ are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing ~~from 24,001 to more than 20,000~~ but not more than 82,000 pounds [~~10886.66 to more than 9071.84~~ but not more than 37194.57 kilograms] owned, or leased for a minimum period of at least one year by a bona fide resident farmer who uses ~~such the~~ vehicles exclusively for transporting ~~his~~ the farmer's 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 those~~ farms, nor otherwise for hire.

## YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
Gross Weights	1st, 2nd, 3rd, and 4th Years	5th and 6th Years	7th and 8th Years	9th and Subsequent Years
20,001-22,000	\$ 83.00	\$ 69.00	\$ 55.00	\$ 37.00
22,001-24,000	88.00	73.00	58.00	39.00
24,001-26,000	\$ 96.00	\$ 79.00	\$ 62.00	\$ 41.00
26,001-28,000	106.00	87.00	68.00	45.00
28,001-30,000	116.00	95.00	74.00	49.00
30,001-32,000	131.00	108.00	85.00	58.00
32,001-34,000	141.00	116.00	91.00	62.00
34,001-36,000	151.00	124.00	97.00	66.00
36,001-38,000	161.00	132.00	103.00	70.00

38,001-40,000	171.00	140.00	109.00	74.00
40,001-42,000	181.00	148.00	115.00	78.00
42,001-44,000	191.00	156.00	121.00	82.00
44,001-46,000	201.00	164.00	127.00	86.00
46,001-48,000	211.00	172.00	133.00	90.00
48,001-50,000	221.00	180.00	139.00	94.00
50,001-52,000	241.00	198.00	155.00	108.00
52,001-54,000	251.00	206.00	161.00	112.00
54,001-56,000	261.00	214.00	167.00	116.00
56,001-58,000	271.00	222.00	173.00	120.00
58,001-60,000	281.00	230.00	179.00	124.00
60,001-62,000	291.00	238.00	185.00	128.00
62,001-64,000	301.00	246.00	191.00	132.00
64,001-66,000	311.00	254.00	197.00	136.00
66,001-68,000	321.00	262.00	203.00	140.00
68,001-70,000	331.00	270.00	209.00	144.00
70,001-72,000	341.00	278.00	215.00	148.00
72,001-74,000	351.00	286.00	221.00	152.00
74,001-76,000	361.00	294.00	227.00	156.00
76,001-78,000	371.00	302.00	233.00	160.00
78,001-80,000	381.00	310.00	239.00	164.00
80,001-82,000	391.00	318.00	245.00	168.00"

On page 7 of the engrossed bill, after line 25, insert the following new section:

"SECTION 4. EFFECTIVE DATE. Section 1 of this Act is effective January 1, 1984."

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Erickson, Mutch, Dotzenrod

**For the House:** Reps. Aubol, Schneider, Olafson

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

## SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact section 39-04-14.1, subsections 2 and 5 of section 39-04-19, and section 39-04-24 of the North Dakota Century Code, relating to staggered registration of certain motor vehicles, motor vehicle registration fees, and the registrar determining the weight of a motor vehicle; and to provide an effective date.

Which has been read.

## ROLL CALL

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

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

NAYS: Laughlin; Meyer, W.; O'Shea; Schoenwald

ABSENT AND NOT VOTING: Kuchera; Lardy; Lipsiea

SB 2197 passed and the title was agreed to.

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## MOTION

REP. BACKES MOVED that the House consider the conference committee report on HB 1031 at this time, which motion prevailed.

## REPORT OF SELECT COMMITTEE

REP. OPEDAHN MOVED that the conference committee report on HB 1031 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

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.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 93 YEAS, 9 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, C.; Brokaw; Gorder; Meier, A.; Melby; Murphy; O'Shea; Shide; Thompson

ABSENT AND NOT VOTING: Kuchera; Lardy; Lipsiea; Vander Vorst

HB 1031 passed and the title was agreed to.

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## REPORT OF PROCEDURAL COMMITTEE

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

HB 1728

REP. G. MARTIN, Chairman

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



THURSDAY, APRIL 14, 1983

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PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

April 14, 1983

The Honorable Tish Kelly  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on April 14, 1983, I signed the following:

HB 1049, HB 1165, HB 1203, HB 1208, HB 1296, HB 1336,  
HB 1387, HB 1440, HB 1473, HB 1516, HB 1647, HB 1688.

Sincerely,

ALLEN I. OLSON  
Governor

REPORT OF PROCEDURAL COMMITTEE

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

HB 1500, HCR 3098

REP. G. MARTIN, Chairman

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

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

HB 1386

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1728

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## SECOND READING OF SENATE BILL

SB 2496: A BILL for an Act to provide a two-year exemption from the oil extraction tax for newly drilled wells; to provide an expiration date; and to declare an emergency.

Which has been read.

## MOTION

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

## REQUEST

REP. UNHJEM REQUESTED a call of the House, which request was granted.

## MOTION

REP. UNHJEM MOVED to dispense with the call of the House, which motion prevailed.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 58 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Conmy;  
Dotzenrod; Gates; Gerl; Goetz; Gorder; Gunsch;  
Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes;  
Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson;  
Koehn; Kretschmar; Kuchera; Lang; Lardy; Larson, R.;  
Lautenschlager; Martin, C.; Martinson; Melby;  
Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja;  
Nicholas; O'Connell; Olafson; Olsen, D.; Olson, A.;  
Opedahl; Peltier; Peterson; Retzer; Rice; Riley; Rued;  
Schindler; Shide; Strinden; Swiontek; Thompson; Timm;  
Unhjem; Wentz; Whalen; Wold

NAYS: Aubol; Backes; Boyle; Brokaw; DeMers; DuBord;  
Eagles; Erdman; Gullickson; Halmrast; Hanson, L.; Hill;  
Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;  
Koski; Larson, B.; Laughlin; Linderman; Lloyd;  
Martin, G.; Meier, A.; Meiers, R.; Mertens; Mushik;  
Nowatzki; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl;  
Richard; Riehl; Schneider; Schoenwald; Shockman;  
Sinner; Solberg; Stofferahn; Vig; Williams, A.;  
Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Lipsiea; Sanstead; Vander Vorst;  
Watne

SB 2496 was declared lost for want of a Constitutional majority.

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## MOTIONS

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

REP. BACKES MOVED that the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House stand adjourned until 8:00 a.m., Friday, April 15, 1983, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1025 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2140 of the House Journal and that Engrossed HB 1025 be amended as follows:

On page 1 of the engrossed bill, line 14, delete the numerals "1,024,822" and insert in lieu thereof the numerals "1,018,153"

On page 1 of the engrossed bill, line 15, delete the numerals "1,297,676" and insert in lieu thereof the numerals "1,300,676"

On page 1 of the engrossed bill, after line 15, insert the following new line:

"Equipment 15,000"

On page 1 of the engrossed bill, line 17, delete the words "all funds", and delete the numerals "2,330,224" and insert in lieu thereof the numerals "2,341,555"

On page 1 of the engrossed bill, after line 17, insert the following new line:

"Less budget adjustment 46,831"

On page 1 of the engrossed bill, line 18, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,311,020"

On page 1 of the engrossed bill, line 19, delete the numerals "995,647" and insert in lieu thereof the numerals "983,704"

On page 1 of the engrossed bill, line 27, delete the numerals "1,334,577" and insert in lieu thereof the numerals "1,311,020"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Economic Development Commission

The salaries and wages line item has a net reduction of \$6,669; \$4,868 from the general fund and \$1,801 from estimated income. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$2,270 over the executive budget for health insurance premiums.

The operating expenses line item is adjusted by a net increase of \$3,000. The net increase consists of an increase of \$5,000 from other funds for additional moneys for tourism packet preparation, an increase of \$20,000 from the general fund for additional travel moneys, a decrease of \$7,000 from the general fund for reduced rent as the commission will be moving to the Capitol grounds, and a decrease of \$15,000 from the general fund to be transferred to an equipment line to provide partitions and dividers in the new office space.

The appropriation is reduced by a budget adjustment of \$46,831 (two percent); \$20,075 from the general fund and \$26,756 from other funds. The director shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$46,831 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Lips, Fritzell, Tallackson

For the House: Reps. Erdman, Sanstead (refused to sign), Thompson

Engrossed HB 1025 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**REPORT OF CONFERENCE COMMITTEE**

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1030 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 2173 and 2174 of the House Journal and that Engrossed HB 1030 be further amended as follows:

On page 1 of the engrossed bill, line 14, delete the numerals "384,948" and insert in lieu thereof the numerals "354,903"

On page 1 of the engrossed bill, line 15, delete the numerals "119,960" and insert in lieu thereof the numerals "108,107"

On page 1 of the engrossed bill, line 16, delete the numerals "4,255" and insert in lieu thereof the numerals "1,400"

On page 1 of the engrossed bill, line 17, delete the words "all funds" and delete the numerals "509,163" and insert in lieu thereof the numerals "464,410"

On page 1 of the engrossed bill, after line 17, insert the following new line:

"Less budget adjustment 9,288"

On page 1 of the engrossed bill, line 18, delete the numerals "205,845" and insert in lieu thereof the numerals "207,702"

On page 1 of the engrossed bill, line 19, delete the numerals "303,318" and insert in lieu thereof the numerals "247,420"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Upper Great Plains Transportation Institute

The salaries and wages line item is reduced by \$30,045. Of the total, a reduction of \$3,000 will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$2,229 over the executive budget for health insurance premiums. Also, the salaries and wages line item is reduced by \$27,045 from the general fund to delete funds provided by the House for a half-time clerk-typist and other temporary salaries.

The operating expenses line item is reduced by \$11,853 from the general fund to delete funds provided by the House for additional travel.

The equipment line item is reduced by \$2,855 from the general fund to delete additional funds provided by the House.

In addition to these changes, the general fund appropriation is reduced by \$9,096 to delete funds provided by the House and the estimated income line item is increased by \$9,096.

After the above adjustments, the appropriation is reduced by a budget adjustment of \$9,288 (two percent) of which

\$5,049 is from the general fund and \$4,239 is from other funds. The director shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$9,288 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

**For the Senate:** Sens. Tennefos, Fritzell, Walsh

**For the House:** Reps. Rayl, Erdman, O. Hanson

Engrossed HB 1030 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

**CHARLES FLEMING, Chief Clerk**