

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SEVENTY-FIFTH DAY

Bismarck, April 20, 1983

The House convened at 8:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Mel Soderberg, First Lutheran Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Eagles, Gerl, R. Meyer, W. Meyer, Riley, and W. Williams.

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 Seventy-fourth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 9:00 a.m., which motion prevailed.

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

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Seventy-fourth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2901, line 28, delete the numerals "1386" and insert in lieu thereof the numerals "1005"

On page 2937, line 35, delete the word "Constitutional" and insert in lieu thereof the words "two-thirds"

REP. LAUGHLIN, Chairman

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

## MOTION

REP. MUSHIK MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

MESSAGE FROM THE SENATE  
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 2001, SB 2005, SB 2012, SB 2016, SB 2018, SB 2021,  
SB 2038

Very respectfully,  
LEO LEIDHOLM, Secretary

## REQUEST

REP. BACKES REQUESTED that a letter received from the Governor this morning be printed in the House Journal, which request was granted.

Allen I. Olson  
Governor

April 20, 1983

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

Dear Madam Speaker:

In further regard to House Bill 1005, at a 9:30 a.m. news conference this date, I will state my intent to call the legislature into special session simultaneous with legislative adjournment if House Bill 1005 is not available for my veto and return to the legislature for appropriate action prior to adjournment.

Sincerely,

ALLEN I. OLSON  
Governor

cc: Rep. Richard Backes  
Rep. Earl Strinden

## POINT OF PERSONAL PRIVILEGE

REP. STRINDEN: Madam Speaker, I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam Speaker and members of the assembly. Thank you Representative Backes. I'm going to support, as I did with my vote yesterday, your motion to reconsider House Bill No. 1005. I would like to have my remarks printed in the Journal, please.

Madam Speaker, members of the House of Representatives: I do believe our conferees on House Bill No. 1005 should consider the balancing of adjustments from general fund spending for higher education just as we attempt to balance all reductions as we reach for a goal of fairness. Yesterday the question was adjusting the salaries within that budget to fit the agreed two-plus-two arrangement. Then, it shifted to a need to have \$1.3 million dollars in additional moneys for a general fund balance. The higher education reduction is now \$6.9 million in general fund dollars. We had set a goal of \$8 million from general government or a two-percent reduction. At the present time we are at \$4.2 million and slipping somewhat. The goal of a two-percent cut will not be met for general government, it will be closer to one percent. I do believe the conferees representing this body, understanding we are the legislative branch, an equal and separate branch of government, should approach their job in placing before this house what is reasonable and realistic in context with the total of our spending and the reductions made elsewhere and what we are asking from every segment of our government.

Madam Speaker and members of the House, what I'm saying is this. I do not believe our conferees should go into the meeting saying we're going to have a \$8.2 million reduction from higher education. I think they should go into that conference with the idea that we may well want to reduce somewhat the anticipated and projected tuition increases, or we may want to fund in part at least, some of the positions we have authorized, but not appropriated, moneys for. What I'm saying is, I think we should strike a compromise that is reasonable, fair, and realistic. That should be our goal. We started out with a general fund anticipated balance projection of \$50 million that we had to have on June 30, 1985. We have rationalized that now so that we can accept \$30 million or maybe \$35 million. Therefore, I do not believe the \$1.3 million additional is going to be that "patch" which keeps the old innertube floating for two more years. I don't believe that for a minute. And, I hope our conference committee will approach it at that light. And, with that, Madam Chairman, I support Representative Backes' motion for reconsideration on House Bill No. 1005.

## MOTION

REP. BACKES MOVED that the rules be suspended and that the House reconsider its action whereby HB 1005 was passed.

## REQUEST

REP. BACKES REQUESTED a recorded roll call vote, which request was granted.

## MOTION

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

## POINT OF PERSONAL PRIVILEGE

REP. MERTENS: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Madam Speaker and members of the assembly, I rise in support of the motion. I made the clincher motion yesterday. I think all of us in this legislative assembly had every intention and every hope of getting out of this session yesterday. That didn't happen. The problems with higher education, House Bill No's. 1004 and 1005, is that they have been a very deep and hard appropriation to work with this year. Every member of this legislative assembly, both in the Senate and in the House are honorable and decent men. I disagree with many of them, but I respect their views. That was a sincere attempt yesterday to bring the higher education funding to a head and attempt to recess or adjourn.

I am going to support the motion for reconsideration of our action. I intend to have my committees back down there. We're going to make every attempt to compromise this problem. No one knows those higher education budgets better than the appropriations committees on both sides do. I don't care where the calculator is in this building. They worked long and hard. I think we have to have an enduring trust in North Dakota. There are two thousand extra students in just two universities alone that are over and above the formula used by this legislative body. We've taken that into consideration. I think that's a tribute to the heritage of North Dakota that our young people, when they can't find jobs, further their education so they can become employable. This is a very tough problem. We are faced with a situation of asking higher education to take their lumps and cuts with everybody else at the same time when their workload has increased. Your Senate and House appropriations committees have made every effort to go with the leadership on their recommendation, and the bargain that was struck to cut the budgets by a percentage. But, we also said that we would not give up our right to look at each and every individual budget because there are mixes and batches of special funds. I assure this legislative assembly, when those conference committees meet, we'll make every attempt that can be made to reach a compromise at this point. We have no intention of keeping this body here, and I have no intention of having the appropriations bill being the last bill that we consider on the calendar.

WEDNESDAY, APRIL 20, 1983

2943

POINT OF PERSONAL PRIVILEGE

REP. HUGHES: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the journal.

I'd like to have this letter recorded in the Journal:

OFFICE OF  
MANAGEMENT AND BUDGET  
STATE CAPITOL

April 18, 1983

Mr. R. Lynn Rose, Director  
Weather Modification Board  
Box 1833  
Bismarck, North Dakota 58502

Dear Mr. Rose:

Governor Olson has requested that this office carefully monitor salary and fringe benefit considerations for you and the employees of the Weather Modification Board during the upcoming biennium.

It is the Governor's intent, despite the failure of the legislative amendment in your appropriation bill to adjust salaries to the same level as for all other governmentally compensated personnel in North Dakota, that the employees of the state and its various agencies all be afforded uniform compensation treatment.

You are directed to limit compensation adjustments to the in-lieu-of-salary proposal authorized by the legislature of 2% in the first year of the biennium and an additional 2% in the second year of the biennium. By copy of this letter, we are communicating the Governor's directive to the Weather Modification Board.

Sincerely,

Robert B. Melland  
Director, OMB

cc: Weather Modification Board Members  
Governor Olson

ROLL CALL

The question being on the motion to reconsider HB 1005, the roll was called and there were 85 YEAS, 18 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle;  
Brokaw; Conmy; Dotzenrod; DuBord; Erdman; Goetz;  
Gorder; Gullickson; Gunsch; Hanson, L.; Hanson, O.;

Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

**NAYS:** Black; DeMers; Gates; Gerl; Halmrast; Hamerlik; Horgan; Kuchera; Lardy; Lautenschlager; Martin, G.; Pomeroy, E.; Pomeroy, G.; Rayl; Sanstead; Schneider; Schoenwald; Wentz

**ABSENT AND NOT VOTING:** Eagles; Larson, R.; Solberg

So the motion to reconsider HB 1005 passed.

#### MOTION

**REP. BACKES MOVED** that the House reconsider its action whereby it did concur in the Senate amendments to HB 1005, and that the House do not concur in the Senate amendments to HB 1005, and that a conference committee be appointed to HB 1005, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SPEAKER KELLY ANNOUNCED** the following appointment to the Conference Committee on HB 1005:

Reps. Mertens, Opedahl, and Hausauer

#### MESSAGE TO THE SENATE HOUSE CHAMBER

**MR. PRESIDENT:** I have the honor to inform you that the House has reconsidered its action whereby it did concur in the Senate amendments to HB 1005, and consequently does not concur in the Senate amendments to HB 1005, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate, the following:

**HB 1005:** Reps. Mertens, Opedahl, Hausauer

Very respectfully,  
**CHARLES FLEMING, Chief Clerk**

#### MOTION

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

WEDNESDAY, APRIL 20, 1983

2945

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 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036,  
SB 2001, SB 2005, SB 2012, SB 2016, SB 2018, SB 2021,  
SB 2038

CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

SB 2001, SB 2005, SB 2012, SB 2016, SB 2018, SB 2021,  
SB 2038

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036

Very respectfully,  
CHARLES FLEMING, Chief Clerk

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 1005: Sens. Thane, Lips, Grotberg

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2039, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2039: Sens. Lips, Thane, Tallackson

Very respectfully,  
LEO LEIDHOLM, Secretary

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.

#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1053 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2113-2115 of the House Journal and that Engrossed HB 1053 be amended as follows:

On page 1 of the engrossed bill, line 3, after the first semicolon insert the words "to create and enact a new subsection to section 17 and a new subsection to section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to mill levy limitations which apply to school districts; and to amend and reenact section 57-15-14 of the North Dakota Century Code as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to school district excess mill levies;"

On page 1 of the engrossed bill, delete lines 9 through 28 and insert in lieu thereof the following:

"Protection of taxpayers and taxing districts. Each taxing district, with the exception of school districts, may levy the amount in dollars as certified in the budget by the governing body, the percentage increase as allowed under subsection 2 more than the amount levied in dollars in the prior year, or the amount levied in dollars in the prior year plus an amount equal to the sum determined by application of any mill levies authorized by law but not levied in the taxing district for the prior year plus any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year in that taxing district, whichever is less, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts provided in this section.
2. A taxing district may elect to levy four percent more in 1983 than the amount levied in dollars in 1982 and may elect to levy four percent more in 1984 than the amount levied in dollars in 1983. The governing body of the taxing district must specifically approve by resolution the levy of the additional percentage. Before adding the increase, the dollar amount



levied in the prior year which is used as a base amount shall be:

- a. Reduced by an amount equal to the sum determined by the application of the mill levies for that taxing district to the final taxable valuation of any property which is removed from the assessment rolls of that taxing district after the prior year but was included in the assessment for the prior year.
  - b. Increased by an amount equal to the sum determined by the application of the mill levies for that taxing district to the taxable valuation of any taxable property which was not taxable in the prior year or was omitted from the assessment rolls for that year but which is included in the assessment for the current year.
  - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
3. A taxing district may levy an amount in dollars equal to the amount levied in the prior year reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district plus an amount equal to the sum determined by the application of any mill levies authorized by law but not levied by the governing body of the taxing district for the prior year and any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year to the taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add the percentage increase permitted by this section to the amount levied pursuant to this subsection.
4. A taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district after the effective date of this Act, but the percentage increase over the prior year's levies authorized by this section shall not be

applied to any increase authorized by this subsection."

On page 2 of the engrossed bill, delete lines 1 through 18

On page 2 of the engrossed bill, underscore lines 19 through 29

On page 2 of the engrossed bill, line 30, underscore the word "to", delete the words "the Fargo", underscore the word "school", and delete the words "district or to any school district in" and insert in lieu thereof the word "districts."

On page 2 of the engrossed bill, delete lines 31 and 32

On page 2 of the engrossed bill, underscore lines 33 and 34

On page 3 of the engrossed bill, underscore lines 1 and 2

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

"SECTION 2. A new subsection to section 17 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby created and enacted to read as follows:

Any increase in the levy for the purposes provided for in this section which exceeds an amount in mills equal to two-thirds or more of the difference between the amount levied for those purposes the prior year and the maximum levy permitted under this section must be approved by sixty percent of the members of the school board by resolution.

SECTION 3. A new subsection to section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby created and enacted to read as follows:

Any increase in the levy for the purposes provided for in this section which exceeds an amount in mills equal to two-thirds or more of the difference between the amount levied for these purposes the prior year and the maximum levy permitted without electorate approval pursuant to section 57-15-14 must be approved by sixty percent of the members of the school board by resolution.

SECTION 4. AMENDMENT. Section 57-15-14 of the North Dakota Century Code as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-15-14. Tax levy limitations in school districts. The Subject to the provisions of subsection 3, the aggregate amount levied each year for the purposes listed in section 18 of this Act by any school district, except the Fargo school district, shall not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of seventy mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
  - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the electors voting upon the question at any regular or special school district election.
  - b. There shall be no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand according to the last federal decennial census, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the electors voting upon the question at any regular or special school election.
3. Any school district may increase its levy for the purposes listed in section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, by at least four percent in 1983 from the amount levied in dollars in 1982 and four percent

more in 1984 from the amount levied in dollars in 1983. In addition, any school district whose electorate has approved a specified levy for prior years and which district did not levy up to the authorized level of that specified levy, may levy the difference between the levy authorized and the amount levied the preceding year for that purpose in addition to the maximum levy allowable under section 57-15-14 as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district shall be submitted to the electorate at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census shall be required. However, not fewer than twenty-five signatures shall be required unless the district has fewer than twenty-five electors, in which case the petition shall be signed by not less than twenty-five percent of the electors of the district. In those districts with fewer than twenty-five electors, the number of electors in the district shall be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority shall not affect the tax levy in the calendar year in which the election is held. The election shall be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

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

For the Senate: Sens. Wright, Lee, Matchie

For the House: Reps. Sinner, Laughlin, A. Olson

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

## SECOND READING OF HOUSE BILL

HB 1053: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to protection of property taxpayers and taxing districts; to create and enact a new subsection to section 17 and a new subsection to section 18 of Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to mill levy limitations which apply to school districts; and to amend and reenact section 57-15-14 of the North Dakota Century Code as amended by Senate Bill No. 2047, as approved by the forty-eighth legislative assembly, relating to school district excess mill levies; 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 86 YEAS, 16 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Aubol; Black; DeMers; Dotzenrod; Gerl; Hamerlik; Hoffner; Serenus; Horgan; Koski; Meier, A.; Meiers, R.; Mushik; Pomeroy, E.; Pomeroy, G.; Richard; Williams, W.

ABSENT AND NOT VOTING: Eagles; Mertens; Solberg; Whalen

HB 1053 passed and the title was agreed to.

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## RECOGNITION

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

## MOTION

REP. BACKES MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

HB 1053

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on SB 2501, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2501: Sens. Tennefos, Thane, Tallackson

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 report and subsequently passed the same:

SB 2009

Very respectfully,  
LEO LEIDHOLM, Secretary

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2501:

Reps. Mertens, G. Martin, Peterson

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2501: Reps. Mertens, Peterson, G. Martin

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1052, HB 1053

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2009 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2160-2162 of the House Journal and that Engrossed SB 2009 be amended as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "29,809,040" and insert in lieu thereof the numerals "30,509,016"

On page 1 of the engrossed bill, line 23, delete the words "all funds", and delete the numerals "43,669,884" and insert in lieu thereof the numerals "44,369,860"

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

"Less budget adjustment 109,566"

On page 1 of the engrossed bill, line 24, delete the numerals "22,925,751" and insert in lieu thereof the numerals "27,240,740"

On page 1 of the engrossed bill, line 25, delete the numerals "20,744,133" and insert in lieu thereof the numerals "17,019,554"

On page 1 of the engrossed bill, line 28, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,281,172"

On page 2 of the engrossed bill, line 1, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,281,172"

On page 2 of the engrossed bill, line 4, delete the numerals "9,369,835" and insert in lieu thereof the numerals "9,591,497"

On page 2 of the engrossed bill, line 9, delete the words "all funds", and delete the numerals "12,956,310" and insert in lieu thereof the numerals "13,177,972"

On page 2 of the engrossed bill, after line 9, insert the following new line:

"Less budget adjustment 40,434"

On page 2 of the engrossed bill, line 10, delete the numerals "5,238,858" and insert in lieu thereof the numerals "5,380,278"

On page 2 of the engrossed bill, line 11, delete the numerals "7,717,452" and insert in lieu thereof the numerals "7,757,260"

On page 2 of the engrossed bill, line 12, delete the numerals "32,735,020" and insert in lieu thereof the numerals "29,057,986"

On page 2 of the engrossed bill, line 13, delete the numerals "28,164,609" and insert in lieu thereof the numerals "32,621,018"

On page 2 of the engrossed bill, line 14, delete the numerals "60,899,629" and insert in lieu thereof the numerals "61,679,004"

On page 2 of the engrossed bill, delete lines 20 through 27 and insert in lieu thereof the following new sections:

"SECTION 3. APPROPRIATION - TRANSFER. There is hereby transferred to the Grafton state school the sum of \$11,722,662 from the resources trust fund created by subdivision 2 of section 57-51.1-07 of the 1981 Supplement to the North Dakota Century Code for the purpose of defraying the expenses of the Grafton state school, including \$7,722,622 of capital improvements. The transfers shall be made only at



such times that funds are needed for disbursement by the Grafton state school.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the forty-ninth legislative assembly return during the 1985-87 biennium to the resources trust fund the additional \$4 million transferred in section 3 of this bill to the Grafton state school."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

The salaries and wages line item has a net increase of \$699,976; \$384,987 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 \$238,524 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$109,566 from the general fund. The superintendent 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 \$109,566 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction. Wherever possible the budget reductions should be applied to areas not eligible for the Title XIX reimbursement or other general fund moneys should be used for matching to reduce to the extent possible a loss of Title XIX moneys.

Section 3 of the bill is changed to allow an additional \$4 million from the resources trust fund to be transferred to the Grafton state school. This bill now provides a total transfer of \$11,722,662 from the trust to the Grafton state school, \$7,722,662 of which is for capital improvements.

Section 4 of the bill states that it is the intent of the Legislative Assembly that the Forty-ninth Legislative Assembly return to the resources trust fund the additional \$4 million transferred in Section 3 to the Grafton State School.

Grafton - Deinstitutionalization

The Grafton - deinstitutionalization appropriation has a net increase of \$7,737 from the general fund. This adjusts

the appropriation to 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 \$36,710 over the executive budget for health insurance premiums.

#### San Haven

The salaries and wages line item has a net increase of \$221,662; \$80,242 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 \$65,239 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$40,434 from the general fund. The superintendent 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 \$40,434 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction. Wherever possible the budget reductions should be applied to areas not eligible for the Title XIX reimbursement or other general fund moneys should be used for matching to reduce to the extent possible a loss of Title XIX moneys.

**For the Senate:** Sens. Thane, Nelson, Tallackson

**For the House:** Reps. Mushik, Erdman, Unhjem

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

#### **SECOND READING OF SENATE BILL**

**SB 2009:** A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, Grafton - deinstitutionalization, and San Haven of the state of North Dakota; and providing for a transfer of oil extraction tax funds; and declaring an emergency.

Which has been read.

#### **ROLL CALL**

The question being on the final passage of the bill as amended, the roll was called and there were 72 YEAS, 26 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aubol; Backes; Black; Boyle; Conmy; Dotzenrod; DuBord; Erdman; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hjelle;

Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kent; Kingsbury; Koski; Kretschmar; Kuchera; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, G.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riley; Sanstead; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; DeMers; Gates; Goetz; Gunsch; Hanson, O.; Hill; Hughes; Keller; Kloubec; Knudson; Koehn; Lang; Lardy; Martin, C.; Melby; Meyer, R.; Meyer, W.; Olafson; Rice; Riehl; Rued; Schindler; Thompson; Whalen

ABSENT AND NOT VOTING: Brokaw; Eagles; Martinson; Meier, A.; Murphy; O'Shea; Solberg; Watne

SB 2009 passed, the title was agreed to, and the emergency clause carried.

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#### ANNOUNCEMENT OF APPOINTMENTS

SPEAKER KELLY ANNOUNCED that the following members were appointed to the Legislative Council:

Representative Gerl  
Representative Kelly  
Representative B. Larson  
Representative Conmy  
Representative Hausauer  
Representative Peterson

SPEAKER KELLY ANNOUNCED that the following members were appointed to the Capitol Grounds Planning Commission:

Representative Boyle  
Representative Laughlin  
Representative A. Olson

SPEAKER KELLY ANNOUNCED that the following member was appointed to the Indian Affairs Commission:

Representative Nalewaja

SPEAKER KELLY ANNOUNCED that the following members were appointed to the Multistate Tax Compact Advisory Committee:

Representative Koski  
Representative Moore

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2009

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## 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.

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2039: Reps. Mushik, Gunsch, Boyle

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has not adopted the conference committee report on HB 1007, and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1007: Sens. Lips, Wenstrom, Stromme

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1724

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 2019, SB 2020, SB 2031, SB 2037, SB 2044, SB 2226,  
SB 2493

Very respectfully,  
LEO LEIDHOLM, Secretary

# APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2039:

Reps. Mushik, Boyle, Gunsch

# REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1460 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2122 of the House Journal.

For the Senate: Sens. Adams, Goodman, Dotzenrod

For the House: Reps. Schneider, B. Larson, Moore (refused to sign)

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

# REQUEST

REP. UNHJEM REQUESTED a recorded roll call vote, which request was granted.

# ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1460, the roll was called and there were 56 YEAS, 47 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Black; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Shide; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Conmy; Eagles; Solberg

So the motion to adopt the conference committee report on HB 1460 prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1727 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2347-2352 of the House Journal and that Engrossed HB 1727 be amended as follows:

- On page 1 of the engrossed bill, line 1, after the word "to" insert the words "create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, providing a deduction to reimburse retailers for administrative expenses in connection with collection and payment of sales and use taxes; to"
- On page 1 of the engrossed bill, line 8, delete the words "; to provide an" and insert in lieu thereof the words ", relating to a definition of calendar quarter and to payment of coal facilities privilege tax by plants not electrical generating plants."
- On page 1 of the engrossed bill, delete line 9
- On page 2 of the engrossed bill, line 27, after the word "total" insert the words "sales subject to", and delete the words "paid or"
- On page 2 of the engrossed bill, line 28, delete the words "required to be paid", and delete the words "by a"
- On page 2 of the engrossed bill, line 29, delete the word "retailer"
- On page 2 of the engrossed bill, line 30, delete the word "ten" and insert in lieu thereof the words "three hundred thirty-three"
- On page 2 of the engrossed bill, line 32, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"
- On page 2 of the engrossed bill, line 33, delete the word "ninety" and insert in lieu thereof the word "ninety-five"
- On page 3 of the engrossed bill, line 9, delete the word "ninety" and insert in lieu thereof the word "ninety-five"

- On page 3 of the engrossed bill, line 12, delete the word "ninety" and insert in lieu thereof the word "ninety-five"
- On page 3 of the engrossed bill, line 19, delete the word "ninety" and insert in lieu thereof the word "ninety-five"
- On page 3 of the engrossed bill, line 21, after the second word "of" insert the words "sales subject to"
- On page 3 of the engrossed bill, line 22, delete the word "four" and insert in lieu thereof the words "three hundred thirty-three"
- On page 3 of the engrossed bill, line 23, delete the word "may" and insert in lieu thereof the word "shall"
- On page 3 of the engrossed bill, after line 30, insert the following new section:

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

Deduction to reimburse retailer for administrative expenses.

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

- On page 6 of the engrossed bill, line 26, after the word "sales" insert the words "and purchases subject to sales", and delete the words "paid or required to be paid"

- On page 6 of the engrossed bill, line 27, delete the words "by any person"
- On page 6 of the engrossed bill, line 28, delete the word "four" and insert in lieu thereof the words "three hundred thirty-three"
- On page 6 of the engrossed bill, line 30, delete the word "twentieth" and insert in lieu thereof the word "twenty-second"
- On page 7 of the engrossed bill, line 5, after the word "sales" insert the words "and purchases subject to sales", and delete the word "paid"
- On page 7 of the engrossed bill, line 6, delete the word "four" and insert in lieu thereof the words "three hundred thirty-three"
- On page 7 of the engrossed bill, after line 31, insert the following new section:

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

Deduction to reimburse retailer for administrative expenses.

1. A retailer who pays the estimated tax due under section 57-40.2-07 within the time limitations prescribed may deduct and retain one and one-half percent of the tax due.
  2. The aggregate of deductions allowed by this section and section 3 of this Act may not exceed two hundred fifty dollars per quarterly period for each business location which has been issued a sales or use tax permit by the commissioner.
  3. The deduction allowed retailers by this section is to reimburse retailers for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the commissioner upon request."
- On page 8 of the engrossed bill, line 15, after the period insert the following new sentence: "The penalty does not apply if ninety percent of the tax due has been paid with the monthly return and the taxpayer files



an amended monthly return and pays the total tax due within sixty days from the original due date."

On page 12 of the engrossed bill, line 17, overstrike the words "subsection 2"

On page 12 of the engrossed bill, line 18, overstrike the word "of"

On page 15 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Adams (refused to sign), Goodman, Dotzenrod  
For the House: Reps. Schneider, B. Larson, Moore (refused to sign)

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

#### REQUEST

REP. KINGSBURY REQUESTED a recorded roll call vote, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the report of the conference committee on HB 1727, the roll was called and there were 54 YEAS, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Black; Conmy; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martin, C.; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Eagles; Solberg

So the motion to adopt the conference committee report on HB 1727 prevailed.

#### REQUEST

REP. STRINDEN REQUESTED that the record show that Representative Eagles has been absent due to illness, which request was granted.

#### SECOND READING OF HOUSE BILL

HB 1727: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, providing a deduction to reimburse retailers for administrative expenses in connection with collection and payment of sales and use taxes; to amend and reenact section 57-39.2-11, subsection 1 of section 57-39.2-12, section 57-40.2-07, subsection 1 of section 57-51-05, sections 57-51-06, 57-51-17, 57-60-02, 57-60-05, 57-61-01, 57-61-02, and 57-61-05 of the North Dakota Century Code, relating to monthly payment of sales and use taxes, gross production tax, privilege tax on coal facilities, and the coal severance tax; to repeal subsection 6 of section 57-51-01 and section 57-60-04 of the North Dakota Century Code, relating to a definition of calendar quarter and to payment of coal facilities privilege tax by plants not electrical generating plants.

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 54 YEAS, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Black; Conmy; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martin, C.; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Retzer; Rice; Riley; Rued; Schindler; Shide; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

WEDNESDAY, APRIL 20, 1983

2965

ABSENT AND NOT VOTING: Eagles; Solberg

HB 1727 passed and the title was agreed to.

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MESSAGE 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:

HB 1460

Very respectfully,  
CHARLES FLEMING, Chief Clerk

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

April 20, 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 20, 1983, I signed the following:

HB 1528, HB 1728.

Sincerely,

ALLEN I. OLSON  
Governor

REPORT OF STANDING COMMITTEE

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2497 has had the same under consideration and recommends by a vote of 11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the word "Act" insert the words "to provide for a contingent sales and use tax increase;"

On page 1 of the engrossed bill, after line 9, insert the following new section:

"SECTION 1. Contingent sales and use tax increase.

1. The director of the office of management and budget shall consult the tax commissioner and state treasurer prior to May 10, 1984, and determine general fund revenue receipts for the period from July 1, 1983, through April 30, 1984. The director of the office of management and budget shall certify the amount of receipts determined to the budget section of the legislative council on or before May 15, 1984.
2. If the amount certified under subsection 1 is less than four hundred million dollars the rate of sales and use taxes on all items taxable under subsection 1 of section 57-39.2-02.1 or subsection 1 of section 57-40.2-02.1 shall be increased by one percentage point for the period beginning July 1, 1984, and ending June 30, 1985, unless the budget section of the legislative council determines pursuant to subsection 3 that a tax increase is not necessary.
3. The decision of the budget section of the legislative council under subsection 2 shall be based upon the following guidelines and considerations:
  - a. A review of the effect on projections by the office of management and budget of the state general fund balance on June 30, 1985, if the tax increase provided in this section does not become effective.
  - b. Any revenue collections that will be deposited during the remainder of the biennium, including effects on cash flow.
  - c. The effect on the economic welfare of the state and its citizens of the tax increase provided in this section.
  - d. The effect of changes in oil prices or other economic indicators on projections of revenue for the remainder of the biennium.

4. For the purposes of administering this section, the provisions of chapters 57-39.2 and 57-40.2 concerning the imposition, collection, distribution, and administration of the sales and use tax laws shall govern the taxes levied pursuant to this section.

5. The tax commissioner is authorized to administratively adjust the bracket system contained in section 57-39.2-08.2 to reflect any change in tax rates which is caused by operation of this section."

On page 3 of the engrossed bill, line 14, delete the numeral "1,"

On page 3 of the engrossed bill, line 15, delete the words "and 3" and insert in lieu thereof the words "3, 4, and 5", and delete the word "two" and insert in lieu thereof the word "three"

On page 3 of the engrossed bill, line 17, after the first comma insert the numerals "57-38-29.1,"

On page 3 of the engrossed bill, line 20, after the period delete the remainder of the line

On page 3 of the engrossed bill, delete line 21

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

#### MOTION

REP. BACKES MOVED that the rules be suspended and that SB 2497 be placed on the Sixth order of business and after action taken on the Sixth order, that SB 2497 be placed on the Fourteenth order of business for second reading and final passage, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to Engrossed SB 2497 as recommended by the Committee on Finance and Taxation be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2497: A BILL for an Act to provide for a contingent sales and use tax increase; to amend and reenact sections 57-38-29, 57-38-30, and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the rate of income tax on individuals and corporations; to repeal section 57-38-29.1 of the North Dakota Century Code, relating to the energy cost relief credit allowed to individual income

tax filers; and to provide an effective date and an expiration 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 61 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gerl; Goetz; Cullickson; Halmrast; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Black; Gates; Gorder; Gunsch; Hamerlik; Hanson, O.; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Mushik; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Schindler; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

**ABSENT AND NOT VOTING:** Eagles; Solberg

SB 2497 was declared lost for want of a Constitutional majority.

#### REQUEST

REP. MUSHIK REQUESTED that the record show that she voted "nay" on final passage of SB 2497 for the purpose of reconsideration, which request was granted.

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#### MOTION

REP. BACKES MOVED that the House stand in recess for fifteen minutes, which motion prevailed.

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

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 1727

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 1007: Reps. G. Martin, Boyle, O. Hanson

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## POINT OF PERSONAL PRIVILEGE

REP. STRINDEN: Madam Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Members of the assembly, Representative Backes: Your word just prior to our recess, I think did much more harm than good. The members of the Republican caucus do not move by threat. Many of the members of this caucus have been here for many years. The ones who haven't feel the same way. I don't ever recall that I or members of our caucus have indulged in threatening what will happen if something else doesn't happen. All it did was make it more difficult for me. The votes against this bill were honest votes. They were voting as they wanted to vote. The threat that we would adjourn til another day can hardly be newsworthy, as we have been lurching along now for seventy-four days, like a hundred and fifty-nine people in a giant raft, drifting out in the middle of the ocean, hopefully sighting land from time to time, only to have the winds change or the currents change, and we drift along, like some nightmare that never ends.

Hopefully, the votes will be there. There would have probably been more votes there, considerably, and many of them are very reluctant because of the intemperate remarks, the threat.

## MOTION

REP. STRINDEN MOVED that the House reconsider its action whereby SB 2497 failed to pass for want of a Constitutional majority, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2497: A BILL for an Act to provide for a contingent sales and use tax increase; to amend and reenact sections 57-38-29,

57-38-30, and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the rate of income tax on individuals and corporations; to repeal section 57-38-29.1 of the North Dakota Century Code, relating to the energy cost relief credit allowed to individual income tax filers; and to provide an effective date and an expiration date.

Which has been read.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 75 YEAS, 29 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Knudson; Koski; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Black; Gunsch; Hanson, O.; Kent; Kingsbury; Kloubec; Koehn; Kuchera; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Riley; Rued; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Wold

**ABSENT AND NOT VOTING:** Eagles; Solberg

SB 2497 passed and the title was agreed to.

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#### MESSAGE FROM THE SENATE

##### SENATE CHAMBER

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



SB 2179

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1605 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2126 and 2127 of the House Journal and that Engrossed HB 1605 be amended as follows:

- On page 1 of the engrossed bill, line 14, overstrike the words "December 31" and insert immediately thereafter the words "March 11", and delete the numeral "1982" and insert in lieu thereof the words "1983, and shall be effective for all taxable years beginning after December 31, 1982"
- On page 1 of the engrossed bill, line 27, after the word "adopted" insert immediately thereafter the words "in those instances where the minimum investment by the lessor is less than one hundred percent"
- On page 2 of the engrossed bill, line 5, delete the words "failure to adopt" and insert in lieu thereof the words "adoption or nonadoption of"
- On page 2 of the engrossed bill, delete lines 9 through 25 and insert in lieu thereof the following new subdivisions:

"c. Except that the deductions provided by the cost recovery provisions enacted as section 168 of the Internal Revenue Code, other than subsection(f) (8), cannot exceed seventy-five percent for the first taxable year beginning after December 31, 1982, and cannot exceed eighty-five percent for each of the next two taxable years beginning after December 31, 1983, for the purpose of computing North Dakota taxable income by individuals, estates, trusts, and corporations. Therefore, for the taxable year beginning after December 31, 1982, federal taxable income must be increased by twenty-five percent of any ACRS depreciation deducted in that taxable year for federal income tax purposes, and for each of the next two taxable years beginning after December 31, 1983, federal taxable income must be increased by fifteen percent of any ACRS depreciation deducted in each of the respective taxable years for federal income tax purposes. Provided,

that one-half of the amount not allowed as a deduction for the taxable year beginning after December 31, 1982, may be deducted in each of the next two taxable years beginning after December 31, 1985, and one-half of the amount not allowed as a deduction for the taxable year beginning after December 31, 1983, may be deducted in each of the next two years beginning after December 31, 1987, and one-half of the amount not allowed as a deduction for the taxable year beginning after December 31, 1984, may be deducted in each of the next two taxable years beginning after December 31, 1989. All such adjustments must be made before computing income subject to apportionment."

- d. Provided that the depreciation adjustments allowed in subsection c above shall be limited to those eligible assets acquired during taxable years beginning after December 31, 1982. Acquisitions made before taxable years beginning January 1, 1983, must be depreciated pursuant to the methods permissible under Internal Revenue Code provisions in effect prior to January 1, 1981."

And renumber the lines and pages accordingly

For the Senate: Sens. Adams, Goodman, Dotzenrod

For the House: Reps. Schneider, B. Larson, Moore (refused to sign)

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

#### SECOND READING OF HOUSE BILL

HB 1605: A BILL for an Act to amend and reenact subsection 21 of section 57-38-01 of the North Dakota Century Code, relating to updating federalizing of the income tax law; and to provide for 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 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch;

Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. E.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Hughes; Kingsbury; Rued; Thompson; Whalen

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg; Strinden

HB 1605 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on HB 1007:

Reps. G. Martin, Boyle, O. Hanson

#### MOTION

REP. BACKES MOVED that the House stand in recess until 7:15 p.m., which motion prevailed.

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

#### MESSAGE TO THE SENATE HOUSE CHAMBER

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

SB 2497

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### MESSAGE FROM THE SENATE SENATE CHAMBER

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

HB 1460, HB 1727

Very respectfully,  
LEO LEIDHOLM, Secretary

## CONSIDERATION OF MESSAGE FROM SENATE

REP. ERDMAN MOVED that the conference committee report on HB 1025 as printed on pages 2849 and 2850 of the House Journal be adopted.

## REQUEST

REP. GERL REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1025, which request was granted.

## ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1025, the roll was called and there were 68 YEAS, 35 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Boyle; Conmy; Dotzenrod; Gates; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer; Hjelle; Horgan; Hughes; Jacobson; Kent; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Martinson; Meier, A.; Melby; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Shide; Sinner; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Williams, C.; Wold; Speaker Kelly

NAYS: Aubol; Black; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Hanson, L.; Hill; Hoffner, Serenus; Hoffner, S. F.; Keller; Knudson; Koski; Larson, B.; Linderman; Lloyd; Martin, C.; Martin, G.; Meiers, R.; Mertens; Mushik; O'Connell; O'Shea; Richard; Sanstead; Schneider; Schoenwald; Shockman; Stofferahn; Vig; Watne; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg

So the motion to adopt the conference committee report on HB 1025 prevailed.

## SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; and providing for a transfer.

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 90 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DeMers; 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; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Wentz; Whalen; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Dotzenrod; DuBord; Erdman; Gorder; Knudson; Meier, A.; Meiers, R.; O'Connell; Richard; Sanstead; Watne; Williams, A.

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg

HB 1025 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 1004 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2727 and 2728 of the House Journal and that Engrossed HB 1004 be amended as follows:

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 3 of the engrossed bill, line 6, delete the numerals "4,916,911" and insert in lieu thereof the numerals "4,890,111"

On page 3 of the engrossed bill, line 8, delete the numerals "6,316,911" and insert in lieu thereof the numerals "6,290,111"

On page 3 of the engrossed bill, after line 15, insert the following new section:

"SECTION 5. TRANSFERS. The state board of higher education may make such transfers between line items in section 1 of this Act, other than tuition assistance and student financial assistance grants, as may be necessary and manageable to provide for board and/or institutional budget requirements."

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. A new section is added to the bill authorizing the board to transfer between line items in section 1, other than Tuition Assistance and Student Financial Assistance Grants, to provide for necessary budget adjustments.

For the Senate: Sens. Lips, Streibel, Tallackson

For the House: Reps. Mertens, G. Martin, Peterson

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

#### SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to amend and reenact section 4 of chapter 208 of the 1979 Session Laws of North Dakota as amended by section 1 of chapter 175 of the 1981 Session

Laws of North Dakota, authorizing the board of university and school lands to invest in property development related to the Dickinson experiment station land transfers; and making an appropriation for defraying the expenses of the board of higher education and various divisions thereof 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, 11 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Gorder; Gunsch; Hanson, O.; Koehn; Melby; Murphy; Olsen, D.; Rued; Shide; Thompson; Whalen

ABSENT AND NOT VOTING: Eagles; Solberg

HB 1004 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 1005 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2648-2658 of the House Journal and that Engrossed HB 1005 be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; providing an appropriation to the emergency commission; and declaring an emergency"

On page 1 of the engrossed bill, line 16, delete the numerals "53,838,655" and insert in lieu thereof the numerals "54,218,113"

On page 1 of the engrossed bill, line 19, delete the numerals "73,255,555" and insert in lieu thereof the numerals "73,635,013"

On page 1 of the engrossed bill, after line 19, insert the following new line:

"Less budget adjustment 864,012"

On page 1 of the engrossed bill, line 20, delete the numerals "16,766,070" and insert in lieu thereof the numerals "18,900,472"

On page 1 of the engrossed bill, line 21, delete the numerals "56,489,485" and insert in lieu thereof the numerals "53,870,529"

On page 1 of the engrossed bill, line 23, delete the numerals "57,989,485" and insert in lieu thereof the numerals "55,370,529"

On page 1 of the engrossed bill, line 25, delete the numerals "24,971,070" and insert in lieu thereof the numerals "24,803,487"

On page 1 of the engrossed bill, line 26, delete the numerals "14,520,099" and insert in lieu thereof the numerals "14,220,099"

On page 1 of the engrossed bill, line 28, delete the numerals "40,548,986" and insert in lieu thereof the numerals "40,081,403"

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

"Less budget adjustment 375,594"

On page 2 of the engrossed bill, line 1, delete the numerals "15,108,823" and insert in lieu thereof the numerals "15,041,789"

On page 2 of the engrossed bill, line 2, delete the numerals "25,440,163" and insert in lieu thereof the numerals "24,664,020"

On page 2 of the engrossed bill, line 5, delete the numerals "46,464,448" and insert in lieu thereof the numerals "46,896,397"



On page 2 of the engrossed bill, line 6, delete the numerals "16,500,944" and insert in lieu thereof the numerals "16,222,248"

On page 2 of the engrossed bill, line 7, delete the numerals "1,715,341" and insert in lieu thereof the numerals "1,361,295"

On page 2 of the engrossed bill, line 8, delete the numerals "64,680,733" and insert in lieu thereof the numerals "64,479,940"

On page 2 of the engrossed bill, after line 8, insert the following new line:

"Less budget adjustment 758,919"

On page 2 of the engrossed bill, line 9, delete the numerals "14,617,173" and insert in lieu thereof the numerals "16,752,535"

On page 2 of the engrossed bill, line 10, delete the numerals "50,063,560" and insert in lieu thereof the numerals "46,968,486"

On page 2 of the engrossed bill, line 12, delete the numerals "51,563,560" and insert in lieu thereof the numerals "48,468,486"

On page 2 of the engrossed bill, line 14, delete the numerals "17,816,727" and insert in lieu thereof the numerals "17,684,800"

On page 2 of the engrossed bill, line 17, delete the numerals "24,033,186" and insert in lieu thereof the numerals "23,901,259"

On page 2 of the engrossed bill, after line 17, insert the following new line:

"Less budget adjustment 289,842"

On page 2 of the engrossed bill, line 18, delete the numerals "4,994,989" and insert in lieu thereof the numerals "5,490,989"

On page 2 of the engrossed bill, line 19, delete the numerals "19,038,197" and insert in lieu thereof the numerals "18,120,428"

On page 2 of the engrossed bill, line 21, delete the numerals "19,454,697" and insert in lieu thereof the numerals "18,536,928"

On page 2 of the engrossed bill, line 23, delete the numerals "7,362,477" and insert in lieu thereof the numerals "7,343,224"

On page 2 of the engrossed bill, line 26, delete the numerals "10,172,254" and insert in lieu thereof the numerals "10,153,001"

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

"Less budget adjustment 134,447"

On page 2 of the engrossed bill, line 27, delete the numerals "1,331,323" and insert in lieu thereof the numerals "1,511,670"

On page 2 of the engrossed bill, line 28, delete the numerals "8,840,931" and insert in lieu thereof the numerals "8,506,884"

On page 2 of the engrossed bill, line 30, delete the numerals "9,018,713" and insert in lieu thereof the numerals "8,684,666"

On page 2 of the engrossed bill, line 32, delete the numerals "5,060,516" and insert in lieu thereof the numerals "5,066,784"

On page 2 of the engrossed bill, line 35, delete the numerals "7,173,891" and insert in lieu thereof the numerals "7,180,159"

On page 2 of the engrossed bill, after line 35, insert the following new line:

"Less budget adjustment 91,672"

On page 3 of the engrossed bill, line 1, delete the numerals "1,109,609" and insert in lieu thereof the numerals "1,245,924"

On page 3 of the engrossed bill, line 2, delete the numerals "6,064,282" and insert in lieu thereof the numerals "5,842,563"

On page 3 of the engrossed bill, line 4, delete the numerals "6,147,082" and insert in lieu thereof the numerals "5,925,363"

On page 3 of the engrossed bill, line 6, delete the numerals "13,658,833" and insert in lieu thereof the numerals "13,584,936"

- On page 3 of the engrossed bill, line 8, delete the numerals "361,124" and insert in lieu thereof the numerals "301,124"
- On page 3 of the engrossed bill, line 9, delete the numerals "17,065,425" and insert in lieu thereof the numerals "16,931,528"
- On page 3 of the engrossed bill, after line 9, insert the following new line:
 

|                         |          |
|-------------------------|----------|
| "Less budget adjustment | 189,801" |
|-------------------------|----------|
- On page 3 of the engrossed bill, line 10, delete the numerals "4,626,295" and insert in lieu thereof the numerals "5,036,257"
- On page 3 of the engrossed bill, line 11, delete the numerals "12,439,130" and insert in lieu thereof the numerals "11,705,470"
- On page 3 of the engrossed bill, line 13, delete the numerals "12,816,930" and insert in lieu thereof the numerals "12,083,270"
- On page 3 of the engrossed bill, line 15, delete the numerals "6,594,135" and insert in lieu thereof the numerals "6,586,116"
- On page 3 of the engrossed bill, line 18, delete the numerals "8,769,832" and insert in lieu thereof the numerals "8,761,813"
- On page 3 of the engrossed bill, after line 18, insert the following new line:
 

|                         |          |
|-------------------------|----------|
| "Less budget adjustment | 109,159" |
|-------------------------|----------|
- On page 3 of the engrossed bill, line 19, delete the numerals "1,647,316" and insert in lieu thereof the numerals "1,828,221"
- On page 3 of the engrossed bill, line 20, delete the numerals "7,122,516" and insert in lieu thereof the numerals "6,824,433"
- On page 3 of the engrossed bill, line 22, delete the numerals "7,326,516" and insert in lieu thereof the numerals "7,028,433"
- On page 3 of the engrossed bill, line 25, delete the numerals "2,700,231" and insert in lieu thereof the numerals "2,658,737"

On page 3 of the engrossed bill, line 26, delete the numerals "825,455" and insert in lieu thereof the numerals "776,655"

On page 3 of the engrossed bill, line 28, delete the numerals "3,581,655" and insert in lieu thereof the numerals "3,491,361"

On page 3 of the engrossed bill, after line 28, insert the following new line:

"Less budget adjustment 47,050"

On page 3 of the engrossed bill, line 29, delete the numerals "491,218" and insert in lieu thereof the numerals "539,218"

On page 3 of the engrossed bill, line 30, delete the numerals "3,090,437" and insert in lieu thereof the numerals "2,905,093"

On page 3 of the engrossed bill, line 31, delete the numerals "128,995" and insert in lieu thereof the numerals "136,495"

On page 3 of the engrossed bill, line 32, delete the numerals "3,219,432" and insert in lieu thereof the numerals "3,041,588"

On page 3 of the engrossed bill, line 34, delete the numerals \$1,159,018" and insert in lieu thereof the numerals "1,094,390"

On page 4 of the engrossed bill, line 1, delete the numerals "355,986" and insert in lieu thereof the numerals "344,986"

On page 4 of the engrossed bill, line 3, delete the numerals "1,580,312" and insert in lieu thereof the numerals "1,504,684"

On page 4 of the engrossed bill, after line 3, insert the following new line:

"Less budget adjustment 13,424"

On page 4 of the engrossed bill, line 4, delete the numerals "644,259" and insert in lieu thereof the numerals "640,767"

On page 4 of the engrossed bill, line 5, delete the numerals "936,053" and insert in lieu thereof the numerals "850,493"

- On page 4 of the engrossed bill, line 7, delete the numerals "967,074" and insert in lieu thereof the numerals "881,514"
- On page 4 of the engrossed bill, line 9, delete the numerals "411,346" and insert in lieu thereof the numerals "408,419"
- On page 4 of the engrossed bill, line 12, delete the numerals "527,066" and insert in lieu thereof the numerals "524,139"
- On page 4 of the engrossed bill, after line 12, insert the following new line:
- "Less budget adjustment 4,636"
- On page 4 of the engrossed bill, line 13, delete the numerals "216,255" and insert in lieu thereof the numerals "215,084"
- On page 4 of the engrossed bill, line 14, delete the numerals "310,811" and insert in lieu thereof the numerals "304,419"
- On page 4 of the engrossed bill, line 16, delete the numerals "11,660,947" and insert in lieu thereof the numerals "11,577,927"
- On page 4 of the engrossed bill, line 19, delete the numerals "18,159,231" and insert in lieu thereof the numerals "18,076,211"
- On page 4 of the engrossed bill, line 20, delete the numerals "194,296,063" and insert in lieu thereof the numerals "185,189,216"
- On page 4 of the engrossed bill, line 21, delete the numerals "79,712,561" and insert in lieu thereof the numerals "85,279,137"
- On page 4 of the engrossed bill, line 22, delete the numerals "274,008,624" and insert in lieu thereof the numerals "270,468,353"
- On page 4 of the engrossed bill, delete lines 27 through 34
- On page 5 of the engrossed bill, after line 26, insert the following new sections:

"SECTION 7. EMERGENCY. Two hundred fifty thousand dollars of the line item entitled "Capital improvements" in section 1 of this Act for the university of North Dakota is hereby declared an

emergency measure and shall be in full force and effect upon its passage and approval.

**SECTION 8. TRANSFERS.** Each institution upon approval from the board of higher education may make such transfers between line items in its appropriation as may be necessary. Upon approval of the board of higher education, transfers may be made to the salaries and wages line items for the institutions to employ necessary additional faculty.

**SECTION 9. APPROPRIATION - EMERGENCY COMMISSION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the emergency commission, \$200,000, or so much thereof as may be necessary, to defray expenses at the institutions under the control of the board of higher education during the biennium beginning July 1, 1983, and ending June 30, 1985."

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

University of North Dakota

The salaries and wages line item has a net increase of \$379,458, which includes a \$388,704 decrease from the general fund and a \$768,162 increase from other funds. A decrease of \$388,704 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 \$517,918 over the executive budget for health insurance premiums. An increase of \$768,162 provides funds for 11.3 FTE positions which were approved by the Emergency Commission. These funds may be provided through tuition increases in addition to those included in the executive budget and the \$80 referred to below.

The general fund appropriation is also decreased by \$864,012 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is decreased by \$1,366,240, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

A new section is also added declaring \$250,000 of the capital improvements line item to be an emergency measure.

UND-Medical Center

The salaries and wages line item has a net reduction of \$167,583, of which \$100,549 is from the general fund and \$67,034 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 \$239,915 over the executive budget for health insurance premiums.

The operating expenses line item is reduced by \$300,000 from the general fund to delete funds provided by the House for lease costs of additional space at the north unit of the medical school.

The general fund appropriation is also decreased by \$375,594 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

North Dakota State University

The salaries and wages line item has a net increase of \$431,949, which includes a \$336,213 decrease from the general fund and a \$768,162 increase from other funds. A decrease of \$336,213 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 \$447,977 over the executive budget for health insurance premiums. An increase of \$768,162 provides funds for 11.3 FTE positions which were approved by the Emergency Commission. These funds may be provided through tuition increases in addition to those included in the executive budget and the \$80 referred to below.

The operating expenses line item is reduced by \$278,696 from the general fund to delete funds provided by the House to provide increases for such items as library books and periodicals, classroom and office supplies, travel, repairs, and maintenance contracts.

The equipment line item is reduced by \$354,046 from the general fund to delete funds provided by the House to restore the equipment budget to the 1983-1985 requested level.

The general fund appropriation is also decreased by \$758,919 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the

institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$1,367,200, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### State School of Science

The salaries and wages line item has a net reduction of \$131,927 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 \$167,439 over the executive budget for health insurance premiums.

The general fund appropriation is decreased by \$289,842 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$496,000, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### Dickinson State College

The salaries and wages line item has a net reduction of \$19,253, which includes a \$55,600 decrease from the general fund and a \$36,347 increase from other funds. A decrease of \$55,600 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 \$68,864 over the executive budget for health insurance premiums. An increase of \$36,347 provides funds for one FTE existing student services position which was deleted in the executive budget. This position is to be filled only when the additional income becomes available.

The general fund appropriation is decreased by \$134,447 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$144,000, with a corresponding increase in estimated



income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

Mayville State College

The salaries and wages line item has a net increase of \$6,268, which includes a \$35,647 decrease from the general fund and a \$41,915 increase from other funds. A decrease of \$35,647 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 \$48,110 over the executive budget for health insurance premiums. An increase of \$41,915 provides funds for one FTE existing student services position which was deleted in the executive budget. This position is to be filled only when the additional income becomes available.

The general fund appropriation is decreased by \$91,672 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$94,400, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to tuition increases included in the executive budget.

Minot State College

The salaries and wages line item has a net reduction of \$73,897, which includes a \$103,539 decrease from the general fund and a \$29,642 increase from other funds. A decrease of \$103,539 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 \$127,637 over the executive budget for health insurance premiums. An increase of \$29,642 provides funds for a .5 FTE existing position at the campus school which was deleted in the executive budget. This position is to be filled only when the additional income becomes available.

The equipment line item is reduced by \$60,000 from the general fund to delete funds provided by the House for a reconditioned high lift to be used campuswide.

The general fund appropriation is also decreased by \$189,801 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the

institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$380,320, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### Valley City State College

The salaries and wages line item has a net reduction of \$8,019, which includes a \$49,244 decrease from the general fund and a \$41,225 increase from other funds. A decrease of \$49,244 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 \$61,845 over the executive budget for health insurance premiums. An increase of \$41,225 provides funds for a .87 FTE existing student services position which was deleted in the executive budget. This position is to be filled only when the additional income becomes available.

The general fund appropriation is decreased by \$109,159 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$139,680, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### NDSU-Bottineau Branch

The salaries and wages line item has a net reduction of \$41,494. A decrease of \$20,196 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 \$25,068 over the executive budget for health insurance premiums. A decrease of \$21,298 deletes funds provided by the House for one custodian for operations of the U.S. Shelterbelt Research Station.

The operating expenses line item is reduced by \$48,800 from the general fund to delete funds provided by the House for operations of the U.S. Shelterbelt Research Station.

The capital improvements line item is increased by \$7,500 from the general fund to restore funds deleted by the House for greenhouse roof repair and headhouse cooling.

The general fund appropriation is also decreased by \$47,050 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$48,000, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### North Dakota Forest Service

The salaries and wages line item has a net reduction of \$64,628, of which \$61,136 is from the general fund and \$3,492 is from other funds. A decrease of \$8,312 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 \$10,319 over the executive budget for health insurance premiums. A decrease of \$56,316 deletes funds provided by the House for 1.25 FTE tree improvement specialist positions.

The operating expenses line item is reduced by \$11,000 from the general fund to delete funds provided by the House as operating funds for the 1.25 FTE tree improvement specialist positions.

Section 3 of the bill is deleted which provided \$41,600 from the general fund to replace an estimated reduction in federal fund receipts.

The general fund appropriation is also decreased by \$13,424 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

#### NDSU State Toxicologist

The salaries and wages line item has a net reduction of \$2,927, of which \$1,756 is from the general fund and \$1,171 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 \$3,902 over the executive budget for health insurance premiums.

The general fund appropriation is decreased by \$4,636 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the State Toxicologist.

#### Medical Center Rehabilitation Hospital

The salaries and wages line item has a net reduction of \$83,020 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 \$110,594 over the executive budget for health insurance premiums.

#### Other

This amendment includes a new section authorizing the institutions to make necessary transfers between line items in their appropriation upon approval of the Board of Higher Education.

A new section is also added to the bill appropriating \$200,000 from the general fund to the Emergency Commission to defray expenses at the institutions of higher education during the 1983-85 biennium.

For the Senate: Sens. Thane, Lips, Grotberg

For the House: Reps. Mertens, Opedahl, Hausauer

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

#### SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the various institutions under the supervision of the board of higher education of the state of North Dakota; providing an appropriation to the emergency commission; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 83 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; Conmy; DuBord; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.;

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

NAYS: Anderson, C.; Anderson, R.; Black; DeMers; Dotzenrod; Gorder; Gunsch; Hamerlik; Horgan; Hughes; Kingsbury; Kuchera; Lardy; Melby; Murphy; Olson, A.; Rued; Strinden; Thompson; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Eagles; Solberg

HB 1005 passed, the title was agreed to, and the emergency clause carried.

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#### POINT OF PERSONAL PRIVILEGE

REP. HAMERLIK: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Madam Speaker, Members of the Assembly:

As we approach the end of the Forty-eighth Legislative Assembly, we all know of the financial difficulties our state is facing. In light of this, the Legislature has responded with cutting some budgets and increasing taxes.

But when it came to higher education in this state, we went even further. The General Fund appropriation was decreased by 7.4 percent from the previous biennium. Tuition was increased by 44 percent, which means that the students or their parents will pay an additional \$490 apiece this biennium to attend some of our colleges and universities - plus additional increases in room and board costs and other campus-assessed fees.

The idea of higher tuition is less offensive when faculty positions, salaries, or facilities are improved so that the additional money paid can be accounted for. Now, students and parents will pay 44 percent more dollars in tuition payments only to find that more money receives less services.

In addition, students will be forced to pay twice for the additional faculty that was approved by the Emergency Commission last year. Increased enrollments required and provided the revenue for additional faculty needed by the increased enrollment. Now, all students will be assessed

\$45 per year from now until eternity to pay for the faculty. It doesn't make sense to me...students are being asked to pay simply because of an increase in enrollment.

I would view higher education in this state as suffering from a modified version of the Peter Principle. Higher education has been improved through many years of dedication, hard work and money by the Legislature, Board of Higher Education, each individual institution, and the students, faculty and staff that each institution has. This assembly even felt that one of our colleges deserved university status, and voted to give them this title.

Now that our institutions have gained high recognition and increased enrollments, we beat back their efforts by increasing tuition by an unreasonable amount. Then we cut their budgets. Then we reduce their faculty positions.

To me, this is ridiculous.

We ought to reward North Dakota's colleges and universities for their excellent academic environments by providing adequate funding, badly needed faculty, facilities in which learning is enhanced, and tuition that is affordable to all North Dakotans.

#### POINT OF PERSONAL PRIVILEGE

REP. E. POMEROY: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

I am reluctant to rise for any purpose at this late hour. However, I feel very strongly about an incident that I feel must be addressed before we adjourn.

Something very serious happened this morning which precipitated the House reconsideration of House Bill No. 1005. The Governor of this state informed the Speaker of the House by written message that he was calling a press conference to announce his intentions to call a special session simultaneous with legislative adjournment if House Bill No. 1005 was not available at his desk for veto prior to adjournment.

By this action I am convinced that the Governor deliberately violated the spirit and letter of the Constitution of this state.

I quote to you from Article V Section 11 of the Constitution:

Any governor of this state ... who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of

any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, ... shall be punished in the manner now, or that may hereafter, be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state.

The rationale for this very strict prohibition is clear - threats of veto can potentially unduly influence the legislative process and undermine the separate functions of the executive branch of government from the legislative branch. An examination of the votes on reconsideration of House Bill No. 1005 demonstrate conclusively the seriousness of the threat to an independent legislative branch posed by the Governor's promise of veto.

We all have concern for the incursion of the Judicial branch into the Legislature's province. Today we witnessed the chief executive officer of this state undermining the legislative process by violating the terms of his office as set forth in the Constitution.

Believe it or not, it is not the partisan affiliation of the Governor that causes my concern by this action, nor was it the legislative issue involved.

I do not want to serve as a member of this legislative assembly, or for that matter as a citizen of this state, and sit by as the Governor thumbs his nose at the Constitution and meddles with the members of this legislature by threatening a veto.

I want my statement in the Journal to serve notice to this Governor and future Governors that this type of action is not legal, is not acceptable, and will not be silently acquiesced to by the legislative branch.

#### 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 1025

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

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

HB 1004

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## REQUEST

REP. DEMERS REQUESTED that the record show that her "nay" vote on HB 1005 indicated her feelings that the funding for higher education was inadequate, which request was granted.

MESSAGE 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 1005

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## RECESS

REP. BACKES MOVED that the House stand in recess to the call of the Chair, which motion prevailed.

THE HOUSE RECONVENED at the call of the Chair with Speaker Kelly presiding.

MESSAGE 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 1605

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

SB 2039

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1004, HB 1005

Very respectfully,  
LEO LEIDHOLM, Secretary



## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2179 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1975 and 1976 of the House Journal and that Engrossed SB 2179 be amended as follows:

- On page 1 of the engrossed bill, line 12, after the word "property" insert the words "; and providing for an effective date"
- On page 1 of the engrossed bill, line 18, delete the word "operating" and insert in lieu thereof the word "operative"
- On page 2 of the engrossed bill, line 19, delete the word "Aircraft" and insert in lieu thereof the words "All of the operative property", and after the word "air" insert the word "carrier"
- On page 2 of the engrossed bill, line 20, delete the words "on a fleet by-type basis for all fleet types" and insert in lieu thereof the following: "for assessment purposes by the tax commissioner and the state board of equalization and a portion of the total valuation shall be allocated to the state of North Dakota. For the purpose of determining the value of the operative property of each air transportation company, the tax commissioner and the state board of equalization shall take into consideration the original cost and replacement cost of the property, depreciation, obsolescence, the earning power of the property as shown by the company's gross earnings and net operating income, the market or actual value of the company's stock and bonds and other liabilities, and such other legally established evidences of value as shall enable the tax commissioner and the state board of equalization to make a just and equitable assessment."
- On page 2 of the engrossed bill, delete lines 21, 22, and 23
- On page 2 of the engrossed bill, line 26, delete the word "Determination" and insert in lieu thereof the word "Allocation", delete the word "assessed", and delete the word "aircraft" and insert in lieu thereof the following: "all of the operative property of an air carrier transportation company shall be allocated to this state according to the following percentages, which shall be calculated for each type of aircraft in the fleet and multiplied by the percentage of the total fleet represented by that type of aircraft:"

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

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

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

On page 4 of the engrossed bill, after line 8, insert the following new section:

"SECTION 8. EFFECTIVE DATE. This Act is effective for taxable years beginning on or after January 1, 1982."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Goodman, Adams (refused to sign), Barth

For the House: Reps. G. Pomeroy, Schneider, Moore (refused to sign)

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

#### SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to create and enact a new subsection to section 57-02-01, three new sections to chapter 57-32, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to valuation, assessment, and taxation of air carrier transportation property and an exemption from aircraft registration fees and from sales and use taxes for aircraft assessed pursuant to the provisions of chapters 57-06 and 57-32; and to amend and reenact subsection 13 of section 57-02-01 and subsections 3 and 4 of section 57-02-27 of the North Dakota Century Code, relating to definition of air carrier transportation property and assessment and taxation of air carrier transportation property; and providing for 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 96 YEAS, 2 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;

Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Olafson; Olson, A.

ABSENT AND NOT VOTING: Eagles; Hausauer; Kretschmar; Martinson; Murphy; Solberg; Strinden; Thompson

SB 2179 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 2039 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2072 and 2073 of the House Journal and that Engrossed SB 2039 be amended as follows:

- On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and to amend and reenact subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to allocation of moneys in the coal development fund"
- On page 1 of the engrossed bill, line 8, after the word "fund" insert the words ", the lands and minerals trust fund,"
- On page 1 of the engrossed bill, line 14, delete the numerals "214,196" and insert in lieu thereof the numerals "217,118"
- On page 1 of the engrossed bill, line 19, delete the words "all funds," and delete the numerals "20,147,621" and insert in lieu thereof the numerals "20,150,543"
- On page 1 of the engrossed bill, after line 19, insert the following new line:  

"Less budget adjustment 4,342"

- On page 1 of the engrossed bill, line 20, delete the numerals "15,011,008" and insert in lieu thereof the numerals "20,010,298"
- On page 1 of the engrossed bill, line 21, delete the numerals "5,136,613" and insert in lieu thereof the numerals "135,903"
- On page 2 of the engrossed bill, after line 5, insert the following new sections:

"SECTION 4. APPROPRIATION - TRANSFER. There is hereby transferred to the energy development impact office the sum of \$20,010,298; \$15,010,298 from the coal development impact fund and \$5,000,000 from the lands and minerals trust fund, or so much thereof as may be necessary, for the purpose of defraying the expenses of the energy development impact office. The transfers from such funds shall be made only at such times that funds are needed for disbursement by the energy development impact office.

SECTION 5. AMENDMENT. Subsection 1 of section 57-62-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Thirty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the energy development impact office to coal impacted cities, counties, school districts, and other taxing districts, subject to appropriation by the legislative assembly. During the 1983-85 biennium, the first one million five hundred thousand dollars in excess of fourteen million dollars allocated under this subsection shall be credited to the state general fund.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the forty-ninth legislative assembly return during the 1985-87 biennium to the special fund for coal impact grants the one million five hundred thousand dollars transferred to the general fund in section 5 of this bill.

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Energy Development Impact Office

The salaries and wages line item has a net increase of \$2,922; \$1,461 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 \$654 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$4,342 (two percent); \$1,461 from the general fund. 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 \$4,342 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

A new section is added to provide that the grants line item totaling \$19,874,395 be paid from the coal development impact fund in the amount of \$14,874,395 and the lands and minerals trust fund in the amount of \$5,000,000. In addition, \$135,903 of the administrative expenses are funded from the coal development impact fund.

A new section is added to provide that a maximum of \$1,500,000 shall be credited to the general fund after the first \$14,000,000 is allocated from the coal development fund to a special fund for coal impact grants.

A new section is added that states it is the intent of the legislative assembly that the Forty-ninth Legislative Assembly return to the special fund for coal impact grants the \$1.5 million transferred to the general fund in Section 5 of this bill.

For the Senate: Sens. Lips, Thane, Tallackson

For the House: Reps. Mushik, Boyle, Gunsch (refused to sign)

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

#### REQUEST

REP. GUNSCH REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2039, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2039, the roll was called and there were 50 YEAS, 50 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Black; Boyle; Dotzenrod; DuBord; Erdman; Gates;  
Goetz; Halmrast; Hamerlik; Hanson, L.;

Hoffner, Serenus; Horgan; Jacobson; Kloubec; Koski; Kuchera; Larson, R.; Laughlin; Linderman; Lloyd; Meier, A.; Mertens; Meyer, R.; Moore; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Opedahl; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Riehl; Riley; Rued; Schneider; Sinner; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vig; Williams, A.; Williams, W.; Wold; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Aubol; Backes; Brokaw; Conmy; DeMers; Gerl; Gorder; Gullickson; Gunsch; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, S. F.; Hughes; Keller; Kent; Kingsbury; Knudson; Koehn; Lang; Lardy; Larson, B.; Lautenschlager; Lipsiea; Martin, C.; Martin, G.; Meiers, R.; Melby; Meyer, W.; Mushik; Olsen, D.; Olson, A.; O'Shea; Peterson; Rice; Richard; Sanstead; Schindler; Schoenwald; Shide; Shockman; Thompson; Vander Vorst; Watne; Wentz; Whalen; Williams, C.

**ABSENT AND NOT VOTING:** Eagles; Hausauer; Kretschmar; Martinson; Murphy; Solberg

So the motion to adopt the conference committee report on SB 2039 failed to pass.

#### MOTION

**REP. BACKES MOVED** that the House reconsider its action whereby the conference committee report on SB 2039 failed to pass, which motion prevailed.

So the House had before it the motion to adopt the conference committee report on SB 2039.

#### REQUEST

**REP. GUNSCH REQUESTED** a recorded roll call vote, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2039, the roll was called and there were 63 YEAS, 39 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Kloubec; Koski; Kuchera; Larson, B.; Larson, R.; Laughlin; Linderman; Lloyd; Meier, A.; Mertens; Meyer, R.; Moore; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schneider; Schoenwald; Shockman;

Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vig;  
Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Gerl; Gunsch;  
Hanson, O.; Haugland; Hill; Hughes; Keller; Kent;  
Kingsbury; Knudson; Koehn; Kretschmar; Lang; Lardy;  
Lautenschlager; Lipsiea; Martin, C.; Martin, G.;  
Martinson; Meiers, R.; Melby; Meyer, W.; Mushik;  
Olsen, D.; Olson, A.; O'Shea; Richard; Sanstead;  
Schindler; Shide; Thompson; Vander Vorst; Watne; Wentz;  
Whalen; Williams, C.

ABSENT AND NOT VOTING: Eagles; Murphy; Sinner; Solberg

So the motion to adopt the conference committee report on SB 2039 passed.

#### SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota; and to amend and reenact subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to allocation of moneys in the coal development 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 89 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Aubol; Gorder; Hjelle; Keller; Kingsbury; Knudson;  
Lang; Lardy; Martinson; Meiers, R.; Melby; Richard;  
Rued; Vander Vorst

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg

SB 2039 passed and the title was agreed to.

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MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2179

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

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

HB 1025, HB 1605

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 report and subsequently passed the same:

SB 2002

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 report and subsequently passed the same:

SB 2276, SB 2501

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

REP. BACKES MOVED that SB 2501 be moved to the foot of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1007 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2494-2496 of the House Journal and that Engrossed HB 1007 be amended as follows:



- On page 1 of the engrossed bill, line 19, delete the numerals "7,650,776" and insert in lieu thereof the numerals "8,176,000"
- On page 1 of the engrossed bill, line 20, delete the numerals "4,168,352" and insert in lieu thereof the numerals "3,643,128"
- On page 1 of the engrossed bill, line 26, delete the numerals "2,504,050" and insert in lieu thereof the numerals "2,614,050"
- On page 1 of the engrossed bill, line 27, delete the numerals "1,696,126" and insert in lieu thereof the numerals "1,586,126"
- On page 2 of the engrossed bill, line 8, delete the numerals "2,363,433" and insert in lieu thereof the numerals "2,465,419"
- On page 2 of the engrossed bill, line 9, delete the numerals "1,287,544" and insert in lieu thereof the numerals "1,185,558"
- On page 2 of the engrossed bill, line 10, delete the numerals "7,152,022" and insert in lieu thereof the numerals "6,414,812"
- On page 2 of the engrossed bill, line 11, delete the numerals "12,518,259" and insert in lieu thereof the numerals "13,255,469"
- On page 2 of the engrossed bill, after line 17, insert the following new section:

"SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the salaries and wages line item appropriated in section 1 of this Act to the university of North Dakota-Williston center provide for the payment of a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a four percent contribution on wages and salaries earned after July 1, 1984, in addition to sufficient amounts to pay the increased cost of medical insurance coverage. It is the further intent of the legislative assembly that the salaries and wages line items appropriated in section 1 of this Act to Bismarck junior college and Lake Region community college provide compensation adjustments as negotiated and agreed upon by each institution's respective board."

And renumber the lines and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Bismarck Junior College

The general fund appropriation is reduced by \$525,224, with a corresponding increase in estimated income, to delete \$325,224 of general fund moneys provided by the House for a four percent increase in salaries and wages in the first year of the biennium and to delete \$200,000 of general fund moneys provided by the House for a power plant technology program. The executive budget included \$230,000 of estimated income for this program.

Lake Region Community College

The general fund appropriation is reduced by \$110,000, with a corresponding increase in estimated income, to delete general fund moneys provided by the House for a four percent increase in salaries and wages in the first year of the biennium.

UND-Williston Center

The general fund appropriation is reduced by \$101,986, with a corresponding increase in estimated income, to delete general fund moneys provided by the House for a four percent increase in salaries and wages in the first year of the biennium.

Other

A section of legislative intent is added to the bill stating that the salaries and wages for UND-Williston Center are to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a four percent contribution on wages earned after July 1, 1984, in addition to sufficient amounts to pay the increased cost of medical insurance coverage. The salaries and wages for Bismarck Junior College and Lake Region Community College are to provide compensation adjustments at levels set by each institution's respective board.

For the Senate: Sens. Lips, Wenstrom, Stromme

For the House: Reps. G. Martin, Boyle, O. Hanson

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

## SECOND READING OF HOUSE BILL

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

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 88 YEAS, 14 NAYS, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson, C.; Horgan; Kingsbury; Knudson; Melby; Olafson; Olsen, D.; Olson, A.; Peltier; Pomeroy, E.; Retzer; Shide; Thompson; Whalen

**ABSENT AND NOT VOTING:** Eagles; Martin, G.; Murphy; Solberg

HB 1007 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 2276 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1989-1991 and 2367 and 2368 of the House Journal and that Engrossed SB 2276 be amended as follows:

- On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the words "sections 15-40.1-02,"
- On page 1 of the engrossed bill, line 3, after the word "to" insert the words "the apportionment of funds to school districts," and after the word "pupil" insert a comma
- On page 1 of the engrossed bill, line 4, after the word "transportation" and before the period insert the words "; to provide an appropriation; and to declare an emergency"

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

"SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. State school aid - Appropriation. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. Funds distributed to each school district pursuant to section 2 of article IX of the Constitution of North Dakota are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools."

On page 1 of the engrossed bill, line 12, after the word "assembly" insert the words "not considering any separate and supplemental payments as may be provided by law,"

On page 1 of the engrossed bill, line 14, delete the words "in the amount of one thousand four"

On page 1 of the engrossed bill, delete lines 15 and 16

On page 1 of the engrossed bill, line 17, delete the words "funds distributed pursuant to this chapter"

On page 2 of the engrossed bill, line 1, remove the overstrike over the word "~~four~~", and delete the word "~~two~~"

On page 2 of the engrossed bill, line 2, delete the word "~~sixty~~", and remove the overstrike over the words "~~and for the second year of the~~"

On page 2 of the engrossed bill, line 3, remove the overstrike over the words "~~biennium the educational support per pupil shall be one~~"

On page 2 of the engrossed bill, line 4, remove the overstrike over the word "~~thousand~~", after the word "~~ninety-one~~" insert the words "three hundred fifty", and remove the overstrike over the word "~~dollars~~"

On page 3 of the engrossed bill, line 1, after the word "schoolbuses" insert the words "and school vehicles"

On page 3 of the engrossed bill, line 4, delete the word "thirty-eight" and insert in lieu thereof the word "thirty-six", and remove the overstrike over the word "~~the~~"

- On page 3 of the engrossed bill, line 5, remove the overstrike over the word "~~first~~", delete the word "each", and remove the overstrike over the word "~~and~~"
- On page 3 of the engrossed bill, line 6, remove the overstrike over the words "~~thirty-eight cents during the second year of the~~", and after the numerals "~~1981-83~~" insert the numerals "1983-85"
- On page 3 of the engrossed bill, line 7, remove the overstrike over the word "~~biennium~~", overstrike the word "schoolbuses" and insert immediately thereafter the word "vehicles", and overstrike the word "sixteen" and insert immediately thereafter the word "nine"
- On page 3 of the engrossed bill, line 8, delete the word "~~seventy-six~~" and insert in lieu thereof the word "seventy-three"
- On page 3 of the engrossed bill, line 9, remove the overstrike over the words "~~the first~~", and delete the word "each"
- On page 3 of the engrossed bill, line 10, remove the overstrike over the words "~~and seventy-six cents per mile~~"
- On page 3 of the engrossed bill, line 11, remove the overstrike over the words "~~{41-61 kilometers} the second year of the~~", after the numerals "~~1981-83~~" insert the numerals "1983-85", and remove the overstrike over the word "~~biennium~~"
- On page 3 of the engrossed bill, line 12, overstrike the word "seventeen" and insert immediately thereafter the word "ten"
- On page 3 of the engrossed bill, line 14, overstrike the word "seventeen" and insert immediately thereafter the word "ten"
- On page 3 of the engrossed bill, after line 17, insert the following new sections:

**"SECTION 4. APPROPRIATION - PER-PUPIL PAYMENT.**

There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000 to the state superintendent of public instruction to make, in the manner provided in sections 15-40.1-07 and 15-40.1-08, per-pupil foundation payments for the year ending June 30, 1983. If this section becomes effective after June 30, 1983, the superintendent of

public instruction shall distribute the payments provided for in this section no later than July 15, 1983.

**SECTION 5. EMERGENCY.** Section 4 of this Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

**For the Senate:** Sens. Peterson, Nelson, Miller Heinrich

**For the House:** Reps. Jacobson, Serenus Hoffner, Swiontek

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

#### SECOND READING OF SENATE BILL

**SB 2276:** A BILL for an Act to amend and reenact sections 15-40.1-02, 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to the apportionment of funds to school districts, educational support per pupil, and aid for transportation; to provide an appropriation; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Melby

**ABSENT AND NOT VOTING:** Eagles; Murphy; Solberg

SB 2276 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2002 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2352-2355 of the House Journal and that Engrossed SB 2002 be amended as follows:

- On page 1 of the engrossed bill, line 3, delete the words  
"; and providing for a transfer of funds from the  
oil"
- On page 1 of the engrossed bill, line 4, delete the words  
"extraction tax development fund"
- On page 1 of the engrossed bill, line 16, delete the  
numerals "3,893,569" and insert in lieu thereof the  
numerals "3,965,021"
- On page 1 of the engrossed bill, line 18, delete the  
numerals "301,169" and insert in lieu thereof the  
numerals "401,169"
- On page 1 of the engrossed bill, line 20, delete the  
numerals "21,513,941" and insert in lieu thereof the  
numerals "21,196,650"
- On page 1 of the engrossed bill, line 21, delete the  
numerals "359,158,652" and insert in lieu thereof the  
numerals "352,666,802"
- On page 1 of the engrossed bill, after line 21, insert the  
following new line:  

|                        |             |
|------------------------|-------------|
| "Grants - tuition fund | 37,100,000" |
|------------------------|-------------|
- On page 1 of the engrossed bill, after line 24, insert the  
following new line:  

|                     |          |
|---------------------|----------|
| "Grants - textbooks | 100,000" |
|---------------------|----------|
- On page 1 of the engrossed bill, line 26, delete the words  
"all funds", and delete the numerals "431,943,489"  
and insert in lieu thereof the numerals "462,505,800"
- On page 1 of the engrossed bill, after line 26, insert the  
following new line:  

|                         |          |
|-------------------------|----------|
| "Less budget adjustment | 128,370" |
|-------------------------|----------|

On page 1 of the engrossed bill, line 27, delete the numerals "169,913,282" and insert in lieu thereof the numerals "84,691,107"

On page 1 of the engrossed bill, line 28, delete the numerals "262,030,207" and insert in lieu thereof the numerals "377,686,323"

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

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

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

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

SECTION 5. TEXTBOOKS. It is the intent of the legislative assembly that the sum of \$100,000, of which \$50,000 is from the general fund and \$50,000 is from estimated income, included in the grants - textbooks line item in section 1 of this Act, be utilized for the purpose of defraying the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in the state of North Dakota. The department of public instruction shall be reimbursed for the cost of or a portion of the cost of the textbooks purchased by the school districts."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Department of Public Instruction

The salaries and wages line item is increased by \$71,452, of which \$28,581 is from the general fund and \$42,871 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 \$23,663 over the executive budget for health insurance premiums.

The data processing line item is increased by \$100,000 from the general fund. The special education line item is decreased by \$317,291 from the general fund. This decrease of \$317,291 is to delete funds for in-state boarding costs of handicapped students. It is intended that these boarding costs be paid by the Department of Human Services rather than the Department of Public Instruction, and that \$317,291 be added to the Department of Human Services appropriation in Senate Bill No. 2020.

The grants - foundation aid line item is decreased by \$6,491,850 to \$352,666,802 and a new grants - tuition fund line item of \$37,100,000 is added. This change reflects an additional \$29,808,150 general fund appropriation for foundation aid and an \$800,000 increase in estimated funds available from the tuition fund. The additional appropriation is to provide for 1983-85 biennium per-pupil payments of \$1,400 for the first year and \$1,350 for the second year. Per-pupil payments are to be made in addition to the distribution from the state tuition fund.

A new grants - textbooks line item of \$100,000, of which \$50,000 is from other funds and \$50,000 is from the general fund, is added for the purpose of purchasing the new "History of North Dakota" textbooks for eighth-grade students. A new section provides that the department is to be reimbursed by the school districts for the cost of the textbooks.

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

After the above adjustments, the appropriation as it relates to the administration of the department is reduced by a budget adjustment of \$128,370 (two percent), of which \$43,324 is from the general fund and \$85,046 is from other funds. The superintendent 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 \$128,370 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, Thane, Tallackson (refused to sign)  
For the House: Reps. G. Martin, Kingsbury, Sanstead

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

## SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the superintendent of public instruction 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 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Melby

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg

SB 2002 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2501 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2846-2849 of the House Journal and that SB 2501 be amended as follows:

On page 1, line 3, after the semicolon insert the words  
"providing for budget section approval;"

On page 2, after line 27, insert the following new section:

"SECTION 3. BUDGET SECTION APPROVAL. Before construction of the computer center may begin pursuant to the provisions of this Act, approval must first be received from the budget section on the legislative council."

And renumber the lines and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment requires that North Dakota State University receive Budget Section approval before it can begin construction of a computer center.

For the Senate: Sens. Tennefos, Thane, Tallackson

For the House: Reps. Mertens, G. Martin, Peterson (refused to sign)

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

#### SECOND READING OF SENATE BILL

SB 2501: A BILL for an Act to authorize the construction of a computer center at North Dakota state university, Fargo, with moneys other than from the state general fund; providing for budget section approval; and to provide an appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 49 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; DeMers; Dotzenrod; DuBord; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hill; Hjelle; Hoffner, S. F.; Horgan; Jacobson; Kloube; Koehn; Kretschmar; Larson, B.; Larson, R.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, G.; Meier, A.; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Riehl; Riley; Sanstead; Schneider; Sinner; Stofferahn; Swiontek; Thompson; Unhjem; Vig; Whalen; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Brokaw; Conmy; Erdman; Gates; Goetz; Gorder; Gunsch; Haugland; Hausauer; Hoffner, Serenus; Hughes; Keller; Kent; Kingsbury; Knudson; Koski; Kuchera; Lang; Lardy; Lautenschlager; Martin, C.; Martinson; Meiers, R.; Melby; Mertens; Mushik; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Retzer; Richard; Rued; Schindler; Schoenwald; Shide; Shockman; Timm;

Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.;  
Williams, W.

ABSENT AND NOT VOTING: Eagles; Murphy; Solberg; Strinden

SB 2501 was declared lost.

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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 1007

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2039

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2002

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2276

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE FROM THE SENATE

SENATE CHAMBER

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

HB 1007

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2501

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following vetoed bills were delivered to the Secretary of State at the hour of 11:20 a.m., April 22, 1983:

HB 1421: 43 yeas, 56 nays, 7 absent and not voting

HB 1482: 34 yeas, 66 nays, 6 absent and not voting

REP. G. MARTIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2019, SB 2020, SB 2031, SB 2037, SB 2044, SB 2226,  
SB 2493

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2019, SB 2020, SB 2031, SB 2037, SB 2044, SB 2226,  
SB 2493

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE TO THE HOUSE  
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 2002, SB 2009, SB 2039, SB 2179, SB 2276, SB 2497

Very respectfully,  
LEO LEIDHOLM, Secretary

## 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 1052, HB 1724

REP. G. MARTIN, Chairman

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

## 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 1004, HB 1005, HB 1007, HB 1025, HB 1053, HB 1460,  
HB 1605, HB 1727, HB 1732

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1004, HB 1005, HB 1007, HB 1025, HB 1053, HB 1460,  
HB 1605, HB 1727, HB 1732, HB 1052, HB 1724, SB 2002,  
SB 2009, SB 2039, SB 2179, SB 2276, SB 2497

CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2002, SB 2009, SB 2039, SB 2179, SB 2276, SB 2497

Very respectfully,  
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 1004, HB 1005, HB 1007, HB 1025, HB 1053, HB 1460,  
HB 1605, HB 1727, HB 1732, HB 1052, HB 1724

Very respectfully,  
CHARLES FLEMING, Chief Clerk

WEDNESDAY, APRIL 20, 1983

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MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

HB 1004, HB 1005, HB 1007, HB 1025, HB 1053, HB 1460,  
HB 1605, HB 1727, HB 1732, HB 1052, HB 1724

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORT 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 10:59 a.m., April 22, 1983:

HB 1004, HB 1005, HB 1007, HB 1025, HB 1053, HB 1460,  
HB 1605, HB 1727, HB 1732

REP. G. MARTIN, Chairman

REP. O'CONNELL MOVED that the report be adopted, which motion prevailed.

REPORT 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 10:59 a.m., April 22, 1983:

HB 1052, HB 1724

REP. G. MARTIN, Chairman

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

REPORT 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 11:55 a.m., April 21, 1983:

HB 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036

REP. G. MARTIN, Chairman

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

MOTIONS

REP. BACKES MOVED that a committee of three be appointed to notify the Senate that the House had completed its business and was about to adjourn, which motion prevailed. The Speaker appointed to such committee:

Reps. DeMers, Lloyd, Hughes

REP. BACKES MOVED that a committee of three be appointed to notify the Governor that the House had completed its business and was about to adjourn, which motion prevailed. The Speaker appointed to such committee:

Reps. Sanstead, A. Williams, Swiontek

A committee from the Senate was received who announced that the Senate had completed its business and was about to adjourn.

Representative A. Olson and Representative Stofferahn led the Assembly in singing "Auld Lang Syne."

#### ANNOUNCEMENTS

REP. DEMERS ANNOUNCED that the committee to notify the Senate that the House had completed its business and was about to adjourn had completed its business and asked to be discharged, which request was granted.

REP. SANSTEAD ANNOUNCED that the committee appointed to notify the Governor that the House had completed its business and was about to adjourn, had completed its business and asked to be discharged, which request was granted.

#### MOTIONS

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

REP. BACKES MOVED that the House be on the Fifteenth and Sixteenth orders of business and at the conclusion of those orders, the House adjourn sine die, which motion prevailed.

CHARLES FLEMING, Chief Clerk



## POSTSESSION ACTION BY GOVERNOR

Postsession Governor's action on House Bills delivered after adjournment:

|                     | DATE SIGNED:   |
|---------------------|----------------|
| House Bill No. 1016 | April 25, 1983 |
| 1687                | April 25, 1983 |
| 1013                | April 26, 1983 |
| 1001                | April 28, 1983 |
| 1006                | April 28, 1983 |
| 1007                | April 28, 1983 |
| 1008                | April 28, 1983 |
| 1010                | April 28, 1983 |
| 1011                | April 28, 1983 |
| 1014                | April 28, 1983 |
| 1015                | April 28, 1983 |
| 1018                | April 28, 1983 |
| 1019                | April 28, 1983 |
| 1020                | April 28, 1983 |
| 1021                | April 28, 1983 |
| 1022                | April 28, 1983 |
| 1024                | April 28, 1983 |
| 1025                | April 28, 1983 |
| 1028                | April 28, 1983 |
| 1029                | April 28, 1983 |
| 1030                | April 28, 1983 |
| 1031                | April 28, 1983 |
| 1032                | April 28, 1983 |
| 1033                | April 28, 1983 |
| 1034                | April 28, 1983 |
| 1035                | April 28, 1983 |
| 1036                | April 28, 1983 |
| 1037                | April 28, 1983 |
| 1038                | April 28, 1983 |
| 1052                | April 28, 1983 |
| 1053                | April 28, 1983 |
| 1429                | April 28, 1983 |
| 1460                | April 28, 1983 |
| 1605                | April 28, 1983 |
| 1724                | April 28, 1983 |
| 1727                | April 28, 1983 |
| 1732                | April 28, 1983 |
| 1004                | April 29, 1983 |
| 1005                | April 29, 1983 |
| 1009                | April 29, 1983 |
| 1023                | April 29, 1983 |
| 1027                | April 29, 1983 |