

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

* * * * *

FIFTY-NINTH DAY

Bismarck, March 29, 1983

The Senate convened at 9:00 a.m., with President Sands presiding.

The prayer was offered by Rev. Robert Lynne, Good Shepherd Lutheran Church, Bismarck.

Dear Heavenly Father, through this Holy Week we see to what extreme You will go to bring us the blessing of forgiveness of sins and eternal life.

You indeed take on the role of a servant.

Give us the strength, the desire to follow Your example-- where we become willing to serve so others will be blessed. Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-eighth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to HB 1001 as recommended by the Committee on Appropriations as printed on page 1901 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 10:30 a.m., which motion prevailed.

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1627

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2047, SB 2068, and SB 2431, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2047: Sens. Leibhan, Erickson, Waldera
SB 2068: Sens. Stenehjem, Olson, Lashkowitz
SB 2431: Sens. Adams, Goodman, Dotzenrod

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HB 1473

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2373: Reps. Conmy, E. Pomeroy, R. Meiers
SB 2473: Reps. E. Pomeroy, R. Meiers, Kretschmar

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2049: Reps. Riehl, Laughlin, A. Olson
SB 2067: Reps. Nowatzki, Keller, Kretschmar
SB 2179: Reps. G. Pomeroy, Schneider, Moore
SB 2245: Reps. Hill, Stofferahn, A. Olson

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2226, SB 2227, and SCR 4040 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2226

- On page 1 of the reengrossed bill, line 13, overstrike the word "one-fourth" and insert immediately thereafter the words "thirty percent"
- On page 1 of the reengrossed bill, line 15, overstrike the words "the amounts"
- On page 1 of the reengrossed bill, line 16, overstrike the word "due" and insert immediately thereafter the words "half of the amount certified"
- On page 1 of the reengrossed bill, line 17, after the word "first" insert the words "and the other half on October first"
- On page 1 of the reengrossed bill, line 19, after the word "first" insert the words "and October first", and overstrike the word "one-half" and insert immediately thereafter the words "forty percent"
- On page 1 of the reengrossed bill, line 26, after the word "the" insert the words "payments of", overstrike the word "payment" and insert immediately thereafter the words "and October first", and overstrike the word "fifty" and insert immediately thereafter the word "forty"
- On page 1 of the reengrossed bill, line 28, delete the word "February", and overstrike the word "first" and insert immediately thereafter the words "the first day of December, January, February, March, April, and May"
- On page 2 of the reengrossed bill, line 1, delete the word "one-eighth" and insert in lieu thereof the words "ten percent"
- On page 2 of the reengrossed bill, line 2, overstrike the words "; on or before March first, payments equal to"
- On page 2 of the reengrossed bill, line 3, delete the word "one-fourth", and overstrike the words "of the total payments shall be made to each"
- On page 2 of the reengrossed bill, overstrike line 4
- On page 2 of the reengrossed bill, line 5, overstrike the words "before May first" and delete the words "in the event that funds appropriated for"

On page 2 of the reengrossed bill, delete lines 6 through 8
And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2227

On page 1 of the engrossed bill, line 19, delete the words
"state tax commissioner" and insert in lieu thereof
the words "director of the office of management and
budget"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment takes out the Tax Commission and replaces it
with the Office of Management and Budget. This is done to
bring the bill into conformity with present law.

HOUSE AMENDMENTS TO SCR 4040

On page 1, line 2, after the word "contractors" insert the
words "and employees"

On page 1, line 3, after the word "contracts" insert the
words "and the implementation of prevailing wage
laws"

On page 1, line 8, after the word "contractors" insert the
words "and employees" and after the word "business"
insert the words "and work"

On page 1, after line 26, insert the following new
paragraph:

"BE IT FURTHER RESOLVED, that the Legislative
Council also study the desirability and feasibility
of implementing prevailing wage laws in public work
contracts; and"

And renumber the lines and pages accordingly

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House
has refused to concur in the Senate amendments to HB 1007,
HB 1011, HB 1014, HB 1015, HB 1019, HB 1020, HB 1021, HB 1022,
HB 1023, HB 1024, HB 1027, HB 1030, HB 1031, HB 1032, HB 1033,
HB 1034, HB 1036, HB 1037, HB 1038, HB 1336, and HB 1429, and the
Speaker has appointed as a conference committee to act with a
like committee from the Senate on:

HB 1007: Reps. G. Martin, Boyle, O. Hanson
HB 1011: Reps. Mushik, Rayl, Unhjem
HB 1014: Reps. Opedahl, Solberg, O. Hanson

HB 1015: Reps. Mushik, Rayl, Lipsiea
 HB 1019: Reps. Horgan, Lardy, Lipsiea
 HB 1020: Reps. Erdman, Opedahl, Gunsch
 HB 1021: Reps. Horgan, Rayl, Hausauer
 HB 1022: Reps. Boyle, Erdman, O. Hanson
 HB 1023: Reps. Horgan, G. Martin, Lipsiea
 HB 1024: Reps. Opedahl, Sanstead, Peterson
 HB 1027: Reps. Erdman, Lardy, Kingsbury
 HB 1030: Reps. Rayl, Erdman, O. Hanson
 HB 1031: Reps. Opedahl, Sanstead, O. Hanson
 HB 1032: Reps. Erdman, Boyle, Thompson
 HB 1033: Reps. Lardy, Boyle, Hausauer
 HB 1034: Reps. Opedahl, Lardy, Eagles
 HB 1036: Reps. Horgan, Mushik, Thompson
 HB 1037: Reps. Sanstead, Boyle, Kuchera
 HB 1038: Reps. Sanstead, Boyle, Kuchera
 HB 1336: Reps. Schoenwald, Riehl, Kent
 HB 1429: Reps. R. Meyer, Watne, Martinson

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2005: Reps. Erdman, G. Martin, O. Hanson
 SB 2019: Reps. Opedahl, Mertens, Peterson
 SB 2144: Reps. Aubol, Schneider, Olafson
 SB 2197: Reps. Aubol, Schneider, Olafson
 SB 2322: Reps. Gullickson, W. Williams, Schindler

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 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
 HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
 HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2003, SB 2006, SB 2007, SB 2008, SB 2009, SB 2010, SB 2011, SB 2012, SB 2013, SB 2014, SB 2015, SB 2021, SB 2023, SB 2024, SB 2025, SB 2030, SB 2031, SB 2032, SB 2033, SB 2034, SB 2035, and SB 2036 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2003

- On page 1 of the engrossed bill, line 4, delete the words "providing for state employee salary"
- On page 1 of the engrossed bill, line 5, delete the word "limitations;"
- On page 1 of the engrossed bill, line 19, delete the numerals "3,685,572" and insert in lieu thereof the numerals "3,767,890"
- On page 1 of the engrossed bill, line 23, delete the numerals "7,400,000" and insert in lieu thereof the numerals "19,696,200"
- On page 1 of the engrossed bill, line 25, delete the numerals "13,852,403" and insert in lieu thereof the numerals "26,230,921"
- On page 1 of the engrossed bill, line 26, delete the numerals "9,474,380" and insert in lieu thereof the numerals "21,795,057"
- On page 1 of the engrossed bill, line 27, delete the numerals "4,378,023" and insert in lieu thereof the numerals "4,435,864"
- On page 2 of the engrossed bill, line 2, delete the numerals "5,028,011" and insert in lieu thereof the numerals "5,144,355"
- On page 2 of the engrossed bill, line 5, delete the numerals "14,586,182" and insert in lieu thereof the numerals "14,702,526"
- On page 2 of the engrossed bill, line 8, delete the numerals "427,491" and insert in lieu thereof the numerals "437,065"
- On page 2 of the engrossed bill, line 12, delete the numerals "1,321,056" and insert in lieu thereof the numerals "1,330,630"
- On page 2 of the engrossed bill, line 13, delete the numerals "4,378,023" and insert in lieu thereof the numerals "4,435,864"
- On page 2 of the engrossed bill, line 14, delete the numerals "25,381,618" and insert in lieu thereof the numerals "37,828,213"
- On page 2 of the engrossed bill, line 15, delete the numerals "29,759,641" and insert in lieu thereof the numerals "42,264,077"

On page 3 of the engrossed bill, delete lines 4 through 22

On page 3 of the engrossed bill, line 23, delete the numeral "6" and insert in lieu thereof the numeral "5"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Office of Management and Budget

The salaries and wages line item is increased by \$82,318, of which \$57,841 is from the general fund and \$24,477 is from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$35,748 is to be provided in a separate appropriation bill.

The grants line item and the estimated income line item is increased by \$12,296,200 to give Office of Management and Budget the authority to accept and disburse additional federal moneys. Of this amount \$11.6 million is a result of changes in federal disbursement procedures in the Community Development Block Grant program. These funds must now pass through the state's accounting system, and will require legislative authorization to accept and pass these funds through to the program grantees. The remaining amount of \$696,200 represents North Dakota's share of oil pricing overcharge settlements collected by the Department of Energy from major oil companies, and are also pass-through funds.

Central Data Processing

The salaries and wages line item is increased by \$116,344 from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$48,913 is to be provided in a separate appropriation bill.

State Printing

The salaries and wages line item is increased by \$9,574 from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$4,020 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2006

- On page 1 of the engrossed bill, line 16, delete the numerals "2,828,626" and insert in lieu thereof the numerals "2,889,825"
- On page 1 of the engrossed bill, line 17, delete the numerals "2,806,466" and insert in lieu thereof the numerals "2,821,466"
- On page 1 of the engrossed bill, line 21, delete the numerals "6,917,972" and insert in lieu thereof the numerals "6,994,171"
- On page 2 of the engrossed bill, line 1, delete the numerals "10,270,888" and insert in lieu thereof the numerals "10,347,087"
- On page 2 of the engrossed bill, line 3, delete the numerals "12,788,200" and insert in lieu thereof the numerals "12,864,399"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Director of Institutions

The salaries and wages line item is increased by \$61,199 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$25,758 is to be provided in a separate appropriation bill.

The operating expenses line item is increased by \$15,000 from the general fund to provide funds for Capitol cafeteria modifications including coin dispenser cash registers, heat revolving merchandiser, signs and traffic control system, and other items.

HOUSE AMENDMENTS TO SB 2007

- On page 1 of the engrossed bill, line 14, delete the numerals "3,348,205" and insert in lieu thereof the numerals "3,423,262"
- On page 1 of the engrossed bill, line 19, delete the numerals "4,385,302" and insert in lieu thereof the numerals "4,460,359"
- On page 1 of the engrossed bill, line 21, delete the numerals "3,172,773" and insert in lieu thereof the numerals "3,247,830"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is increased by \$75,057 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$31,527 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2008

- On page 1 of the engrossed bill, line 18, delete the numerals "2,671,886" and insert in lieu thereof the numerals "2,732,634"
- On page 1 of the engrossed bill, line 21, delete the numerals "36,730" and insert in lieu thereof the numerals "221,730"
- On page 1 of the engrossed bill, line 22, delete the numerals "3,252,264" and insert in lieu thereof the numerals "3,498,012"
- On page 1 of the engrossed bill, line 24, delete the numerals "2,733,909" and insert in lieu thereof the numerals "2,979,657"
- On page 1 of the engrossed bill, line 27, delete the numerals "1,483,289" and insert in lieu thereof the numerals "1,515,527"
- On page 2 of the engrossed bill, line 4, delete the numerals "1,930,023" and insert in lieu thereof the numerals "1,962,261"
- On page 2 of the engrossed bill, line 6, delete the numerals "1,541,173" and insert in lieu thereof the numerals "1,573,411"
- On page 2 of the engrossed bill, line 7, delete the numerals "4,275,082" and insert in lieu thereof the numerals "4,553,068"
- On page 2 of the engrossed bill, line 9, delete the numerals "5,182,287" and insert in lieu thereof the numerals "5,460,273"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

School for the Deaf

The salaries and wages line item is increased by \$60,748 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$25,527 is to be provided in a separate appropriation bill.

The capital improvements line item is increased by \$185,000 from the general fund to provide for the rebuilding of a section of an access tunnel at the School for the Deaf.

School for the Blind

The salaries and wages line item is increased by \$32,238 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$13,555 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2009

- On page 1 of the engrossed bill, line 18, delete the numerals "29,809,040" and insert in lieu thereof the numerals "30,511,444"
- On page 1 of the engrossed bill, line 23, delete the numerals "43,669,884" and insert in lieu thereof the numerals "44,372,288"
- On page 1 of the engrossed bill, line 24, delete the numerals "22,925,751" and insert in lieu thereof the numerals "23,241,832"
- On page 1 of the engrossed bill, line 25, delete the numerals "20,744,133" and insert in lieu thereof the numerals "21,130,456"
- On page 1 of the engrossed bill, line 28, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,373,572"
- On page 2 of the engrossed bill, line 1, delete the numerals "4,273,435" and insert in lieu thereof the numerals "4,373,572"
- On page 2 of the engrossed bill, line 4, delete the numerals "9,369,835" and insert in lieu thereof the numerals "9,583,055"
- On page 2 of the engrossed bill, line 9, delete the numerals "12,956,310" and insert in lieu thereof the numerals "13,169,530"

- On page 2 of the engrossed bill, line 10, delete the numerals "5,238,858" and insert in lieu thereof the numerals "5,374,892"
- On page 2 of the engrossed bill, line 11, delete the numerals "7,717,452" and insert in lieu thereof the numerals "7,794,638"
- On page 2 of the engrossed bill, line 12, delete the numerals "32,735,020" and insert in lieu thereof the numerals "33,298,666"
- On page 2 of the engrossed bill, line 13, delete the numerals "28,164,609" and insert in lieu thereof the numerals "28,616,724"
- On page 2 of the engrossed bill, line 14, delete the numerals "60,899,629" and insert in lieu thereof the numerals "61,915,390"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Grafton State School

The salaries and wages line item is increased by \$702,404, of which \$386,323 is from the general fund and \$316,081 is from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$334,089 is to be provided in a separate appropriation bill.

Grafton State School - Deinstitutionalization

The appropriation is increased by \$100,137 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$33,502 is to be provided in a separate appropriation bill.

San Haven

The salaries and wages line item is increased by \$213,220, of which \$77,186 is from the general fund and \$136,034 is from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$89,546 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2010

On page 1 of the engrossed bill, line 14, delete the numerals "1,244,412" and insert in lieu thereof the numerals "1,271,726"

On page 1 of the engrossed bill, line 18, delete the numerals "1,680,833" and insert in lieu thereof the numerals "1,708,147"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is increased by \$27,314 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$11,471 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2011

On page 1 of the engrossed bill, line 18, delete the numerals "5,636,407" and insert in lieu thereof the numerals "5,758,791"

On page 1 of the engrossed bill, line 22, delete the numerals "10,705,959" and insert in lieu thereof the numerals "10,828,343"

On page 1 of the engrossed bill, line 24, delete the numerals "10,483,909" and insert in lieu thereof the numerals "10,606,293"

On page 1 of the engrossed bill, line 27, delete the numerals "837,097" and insert in lieu thereof the numerals "855,675"

On page 2 of the engrossed bill, line 3, delete the numerals "6,210,047" and insert in lieu thereof the numerals "6,228,625"

On page 2 of the engrossed bill, line 4, delete the numerals "10,483,909" and insert in lieu thereof the numerals "10,606,293"

On page 2 of the engrossed bill, line 5, delete the numerals "6,432,097" and insert in lieu thereof the numerals "6,450,675"

On page 2 of the engrossed bill, line 6, delete the numerals "16,916,006" and insert in lieu thereof the numerals "17,056,968"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The salaries and wages line item is increased by \$122,384 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$51,410 is to be provided in a separate appropriation bill.

Penitentiary Industries

The salaries and wages line item is increased by \$18,578 from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$7,801 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2012

On page 1 of the engrossed bill, line 14, delete the numerals "861,973" and insert in lieu thereof the numerals "881,444"

On page 1 of the engrossed bill, line 18, delete the numerals "1,040,000" and insert in lieu thereof the numerals "1,150,000"

On page 1 of the engrossed bill, line 19, delete the numerals "2,571,605" and insert in lieu thereof the numerals "2,701,076"

On page 1 of the engrossed bill, line 21, delete the numerals "1,765,565" and insert in lieu thereof the numerals "1,895,036"

On page 2 of the engrossed bill, line 2, delete the numerals "\$990,000" and insert in lieu thereof the numerals "\$1,100,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the State Library is increased by \$19,471 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent

in the second year amounting to \$8,177 is to be provided in a separate appropriation bill.

The grants, benefits, and claims line item of the State Library is increased by \$110,000 from the general fund for aid to public libraries. This would increase the funding to \$1.1 million which is the same level of funding as the 1981-83 biennium.

HOUSE AMENDMENTS TO SB 2013

- On page 1 of the engrossed bill, line 2, delete the words "and providing for"
- On page 1 of the engrossed bill, line 3, delete the words "state employee salary limitations"
- On page 1 of the engrossed bill, line 15, delete the numerals "31,493,700" and insert in lieu thereof the numerals "32,197,422"
- On page 1 of the engrossed bill, line 18, delete the numerals "427,809" and insert in lieu thereof the numerals "802,809"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,942,140" and insert in lieu thereof the numerals "2,292,140"
- On page 1 of the engrossed bill, line 20, delete the numerals "40,524,936" and insert in lieu thereof the numerals "41,953,658"
- On page 1 of the engrossed bill, line 22, delete the numerals "29,194,423" and insert in lieu thereof the numerals "30,623,145"
- On page 2 of the engrossed bill, delete lines 3 through 21 and insert in lieu thereof the following new section:

"SECTION 3. TRANSFER - AUTHORIZATION. An amount not to exceed one million dollars included in section 1 of this Act is to be available to the state hospital for ongoing operations or to the department of human services for the purpose of establishing and operating facilities for the chronically mentally ill. The funds shall be allocated to the state hospital or the department of human services upon approval of the governor. Upon such approval, the office of management and budget is authorized to transfer positions from the state hospital to the department of human services."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Hospital

The salaries and wages line item is increased by \$703,722 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$296,263 is to be provided in a separate appropriation bill.

The equipment line item is increased by \$375,000 from the general fund to provide funds for the purchase of a firetruck.

The capital improvements line item is increased by \$350,000 from the general fund to provide funds for Phase I of the steam tunnel distribution system.

A new section is added to allow up to \$1 million to be transferred from Section 1 of this bill to the Department of Human Services for establishing and operating facilities for the chronically mentally ill.

HOUSE AMENDMENTS TO SB 2014

On page 1 of the engrossed bill, line 14, delete the numerals "1,331,374" and insert in lieu thereof the numerals "1,359,551"

On page 1 of the engrossed bill, line 18, delete the numerals "2,170,558" and insert in lieu thereof the numerals "2,198,735"

On page 1 of the engrossed bill, line 20, delete the numerals "53,864" and insert in lieu thereof the numerals "82,041"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Soldiers' Home is increased by \$28,177 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$11,828 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2015

On page 1, line 1, after the word "Act" insert the words "to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to

expenses incurred to return escapees from a state facility; and"

On page 1, line 15, after the word "FUGITIVES" insert the words "- TRANSPORT OF ESCAPEES AND PROBATION VIOLATORS"

On page 1, line 20, delete the numerals "31,800" and insert in lieu thereof the numerals "53,000"

On page 1, line 21, delete the numerals "31,800" and insert in lieu thereof the numerals "53,000"

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

"Subdivision 10.

COMMISSION ON UNIFORM STATE LAWS	
Operating expenses	\$ 30,000
Total general fund appropriation	\$ 30,000

Subdivision 11.

EDUCATION COMMISSION OF THE STATES	
Operating expenses	\$ 60,000
Total general fund appropriation	\$ 60,000

On page 2, line 28, delete the numerals "374,200" and insert in lieu thereof the numerals "485,400"

On page 2, line 30, delete the numerals "424,200" and insert in lieu thereof the numerals "535,400"

On page 2, after line 30, insert the following new section:

"SECTION 2. A new section to chapter 11-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Fees for transporting persons who have escaped or violated probation. A sheriff or a sheriff's deputy shall receive the expenses incurred in the return of any person who has escaped from a state facility. Those expenses must be paid in amounts as provided by law for state officials, except that the mileage paid must be that regularly paid to the sheriff and the sheriff's deputies. If the person to be returned is a prisoner of a state facility or is ordered returned by a district court judge, the mileage and expenses must be paid by the state."

On page 2, line 32, delete the word and numeral "and 9" and insert in lieu thereof the numerals "9, 10, and 11"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Arrest and Return of Fugitives

A new section is added to this bill which will permit reimbursement to local law enforcement units for expenses incurred in the return of escapees from state facilities or the return of probation violators.

Boys and Girls Clubwork

The appropriation is increased by \$21,200 from the general fund to provide funding at an annual level of \$500 per county, as authorized in House Bill No. 1672. The current annual funding level is \$300 per county.

Commission on Uniform State Laws

A general fund appropriation of \$30,000 is added to provide funds for expenses related to the commission's continued membership in the national conference.

Education Commission of the States

A general fund appropriation of \$60,000 is added to provide funds for continued membership in the commission and the related expenses for two state meetings per year, attendance at national meetings, and expenses to conduct one state education policy seminar during the 1983-85 biennium.

HOUSE AMENDMENTS TO SB 2021

On page 1 of the engrossed bill, line 19, delete the numerals "1,229,610" and insert in lieu thereof the numerals "1,285,720"

On page 1 of the engrossed bill, line 23, delete the numerals "1,449,017" and insert in lieu thereof the numerals "1,505,127"

On page 1 of the engrossed bill, line 24, delete the numerals "1,450,097" and insert in lieu thereof the numerals "1,506,207"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Parole and Probation Office

The salaries and wages line item is increased by \$56,110 from the general fund; \$28,010 of this increase will allow

funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$11,763 is to be provided in a separate appropriation bill. In addition, this amendment provides \$28,100 for 1.5 FTE clerk-typist I's; 1 FTE at the Bismarck office and .5 FTE in the Grand Forks office.

HOUSE AMENDMENTS TO SB 2023

On page 1 of the engrossed bill, line 14, delete the numerals "823,214" and insert in lieu thereof the numerals "839,536"

On page 1 of the engrossed bill, line 24, delete the numerals "7,812,565" and insert in lieu thereof the numerals "7,828,887"

On page 1 of the engrossed bill, line 26, delete the numerals "2,122,430" and insert in lieu thereof the numerals "2,138,752"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is increased by \$16,322 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$6,884 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2024

On page 1 of the engrossed bill, line 15, delete the numerals "915,008" and insert in lieu thereof the numerals "936,126"

On page 1 of the engrossed bill, line 19, delete the numerals "1,406,204" and insert in lieu thereof the numerals "1,427,322"

On page 1 of the engrossed bill, line 20, delete the numerals "1,063,639" and insert in lieu thereof the numerals "1,078,783"

On page 1 of the engrossed bill, line 21, delete the numerals "342,565" and insert in lieu thereof the numerals "348,539"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for Disaster Emergency Services is increased by \$21,118, of which \$5,974 is from the general fund and \$15,144 is from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$8,869 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2025

On page 1, line 12, delete the numerals "25,617" and insert in lieu thereof the numerals "24,827"

On page 1, line 15, delete the numerals "105,227" and insert in lieu thereof the numerals "104,437"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Civil Air Patrol is reduced by \$790 from the general fund. The reduction will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$219 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

HOUSE AMENDMENTS TO SB 2030

On page 1 of the engrossed bill, line 14, delete the numerals "1,390,256" and insert in lieu thereof the numerals "1,420,236"

On page 1 of the engrossed bill, line 17, delete the numerals "1,813,306" and insert in lieu thereof the numerals "1,843,286"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Geological Survey is increased by \$29,980 from other funds. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$12,617 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2031

On page 1 of the engrossed bill, line 14, delete the numerals "3,797,969" and insert in lieu thereof the numerals "3,882,693"

On page 1 of the engrossed bill, line 19, delete the numerals "7,380,689" and insert in lieu thereof the numerals "7,465,413"

On page 1 of the engrossed bill, line 21, delete the numerals "6,468,789" and insert in lieu thereof the numerals "6,553,513"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the State Water Commission is increased by \$84,724 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$35,716 is to be provided in a separate appropriation bill.

HOUSE AMENDMENTS TO SB 2032

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and providing for residential preferences"

On page 2 of the engrossed bill, line 1, delete the word "headquarters" and insert in lieu thereof the words "permanent office"

On page 2 of the engrossed bill, line 2, delete the word "five" and insert in lieu thereof the word "two"

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

"SECTION 4. Preference required for residents. A resident is entitled to preference over a nonresident for the award of any contracts under this Act to the extent the nonresident's home jurisdiction grants a preference to bidders who are residents of that jurisdiction over bidders who are not residents of that jurisdiction. If a nonresident bidder can be considered a resident of more than one jurisdiction, the home jurisdiction to be used for comparison is the one that gives its residents the most preference."

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The House amendments to Section 3, which was added by the Senate, are to provide equal opportunity to all engineering and architectural firms presently operating in North

Dakota. The new section would give resident bidders the same preference as given to resident bidders in their home states.

HOUSE AMENDMENTS TO SB 2033

On page 1 of the engrossed bill, line 14, delete the numerals "2,358,893" and insert in lieu thereof the numerals "2,392,588"

On page 1 of the engrossed bill, line 20, delete the numerals "7,475,632" and insert in lieu thereof the numerals "7,509,327"

On page 1 of the engrossed bill, line 22, delete the numerals "4,854,632" and insert in lieu thereof the numerals "4,888,327"

On page 2 of the engrossed bill, line 6, after the word "department" insert the words ", except that the purchase of land may be only for land adjoining existing land holdings of the department as of June 30, 1983,"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Parks and Recreation Department is increased by \$33,695 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$14,167 is to be provided in a separate appropriation bill.

The amendment also restricts the purchase of land by the department to lands adjoining land currently held by the department.

HOUSE AMENDMENTS TO SB 2034

On page 1, line 17, delete the numerals "37,331" and insert in lieu thereof the numerals "36,138"

On page 1, line 20, delete the numerals "56,904" and insert in lieu thereof the numerals "55,711"

On page 1, line 23, delete the numerals "144,925" and insert in lieu thereof the numerals "140,103"

On page 2, line 1, delete the numerals "227,596" and insert in lieu thereof the numerals "222,774"

On page 2, line 3, delete the numerals "284,500" and insert in lieu thereof the numerals "278,485"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Bonding Fund

The salaries and wages line item is reduced by \$1,193 from other funds. The reduction will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$331 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

Fire and Tornado Fund

The salaries and wages line item is reduced by \$4,822 from other funds. The reduction will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$1,338 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

HOUSE AMENDMENTS TO SB 2035

On page 1, line 14, delete the numerals "39,738" and insert in lieu thereof the numerals "38,411"

On page 1, line 17, delete the numerals "47,289" and insert in lieu thereof the numerals "45,962"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Unsatisfied Judgment Fund is reduced by \$1,327 from other funds. The reduction will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$381 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

HOUSE AMENDMENTS TO SB 2036

On page 1 of the engrossed bill, line 13, delete the word "biennium" and insert in lieu thereof the word "period"

On page 1 of the engrossed bill, line 14, delete the word "July" and insert in lieu thereof the word "January"

On page 1 of the engrossed bill, line 15, delete the numerals "120,000" and insert in lieu thereof the numerals "200,000"

On page 1 of the engrossed bill, line 16, delete the numerals "120,000" and insert in lieu thereof the numerals "200,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for defraying the expenses of the court-ordered monitor is increased by \$80,000 from the general fund and is to be in effect as of January 1, 1983, rather than July 1, 1983.

Very respectfully,
CHARLES FLEMING, Chief Clerk

CONSIDERATION OF MESSAGES FROM HOUSE

SEN. PETERSON MOVED that the Senate do not concur in the House amendments to SB 2047 as printed on pages 1867-1882 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2047:

Sens. Leibhan, Erickson, Waldera

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2068 as printed on pages 1763 and 1764 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2068:

Sens. Stenehjem, Olson, Lashkowitz

SEN. GOODMAN MOVED that the Senate do not concur in the House amendments to SB 2431 as printed on pages 1906-1908 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2431:

Sens. Adams, Goodman, Dotzenrod

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2249 as printed on page 1884 of the Senate Journal be adopted, which motion prevailed.

SEN. NETHING MOVED that SB 2249 be laid over one legislative day, which motion prevailed.

MOTION

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

THE SENATE RECONVENED, with President Sands presiding.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2493 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact sections 26-01-11, 26-16-10, 26-27-13, and 26-40-14 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17, 26.1-09-10, 26.1-14-13, and 26.1-17-10 of the North Dakota Century Code as created by House Bill No. 1054 and amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide for retroactive application; to provide a penalty; and to declare an emergency.

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

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

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

1. Before issuing the annual certificate required by law, the commissioner of insurance shall collect the following annual taxes from insurance companies doing business within the state:

1- From from every stock and mutual insurance company, nonprofit health service

corporation, health maintenance organization, and prepaid legal service organization doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments, membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year; such with respect to life insurance and a tax of one percent of the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, and finance and service charges with respect to all other lines of insurance. The tax to be is payable at the time when the annual statement of business required by law is filed, provided, however, that on or before March first of each year and shall be deposited in the general fund in the state treasury. However, this tax shall not apply to considerations for annuities.

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

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

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

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

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

1. Before issuing the annual certificate required by law, the commissioner of insurance shall collect the following annual taxes from insurance companies doing business within the state-

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

2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. Such tax shall be collected for the purpose of assisting in the maintenance of the fire marshal's department and shall be payable on or before March first in each year. The An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid by any as a member of a comprehensive health association under subsection 4 of section 26-16.1-08 is a credit against the premium and income tax for which the member may be liable for the year in which the assessment was paid, a credit for an amount equal to the examination fees paid to the commissioner under section 26-01-04 and sections 26-01-06 through 26-01-10, and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection may not exceed the total tax liability under subsection 1.
3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of the tax for each day of delay, excepting the first day after the tax became due.

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

26-16-10. Attorney's license fee and gross premium tax in lieu of other taxes. The attorney, in lieu of all

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

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

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

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

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

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

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

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

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

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

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

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

1. Before issuing the annual certificate required by law, the commissioner shall collect the following annual taxes from insurance companies doing business within the state-
- 1- From from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state except stock and mutual companies organized under the laws of this state, a tax equal in amount to two and one-half percent of the gross amount of premiums, assessments, membership fees, and subscriber fees, policy fees, and finance and service charges received in this state during the preceding year with respect to life

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

2. From every domestic fire insurance company, whether mutual, stock, or otherwise, a tax upon its fire insurance premiums or assessments, or both, equal to one-half of one percent of the gross premiums and assessments, less return premiums on all direct business received by it, or by its agent for it, in cash or otherwise in this state. The tax is collected for the purpose of assisting in the maintenance of the fire marshals department and is payable on or before March first of each year. The An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid by any as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 is a credit against the premium tax for which the member may be liable for the year in which the assessment was paid, a credit against the tax due for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, and 26.1-03-19 through 26.1-03-22, and a credit against the tax due for 1982, 1983, 1984, and 1985 for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection may not exceed the total tax liability under subsection 1.
3. After March 1, 1984, any person failing to pay the tax imposed by subsection 1, within

the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus six percent of such tax for each day of delay, excepting the first day after the tax became due.

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

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

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

26.1-14-13. Exemption from taxation. The property, income, premiums, and activities of the company are exempt from all taxes and assessments and from any fees specified for licenses and certifications of the insurance laws with the exception of ~~except for the tax imposed by section 26.1-03-17 and any assessment made by the insurance guaranty association in the event that an affirmative election is held in accordance with section 26.1-14-15.~~

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

26.1-17-10. Nonprofit corporation tax exempt - Insurance premium tax - Law governing charitable organizations applicable. Every nonprofit health service corporation is a charitable and benevolent organization and is exempt from taxation by the state or any political subdivision thereof, except that the

tax imposed by section 26.1-03-17 is applicable to a corporation subject to this chapter and the real property of a nonprofit health service corporation is subject to ad valorem taxes and special assessments for special improvements. Except as otherwise provided in this chapter, the laws of this state relating to and affecting nonprofit charitable and benevolent corporations are applicable to all nonprofit health service corporations writing health service contracts.

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

SECTION 12. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

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

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2500 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2500 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SCR 4058 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SCR 4058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1731 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1731 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2066 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1451 of the Senate Journal.

For the Senate: Sens. Holmberg, Olson, Waldera

For the House: Reps. Koski, Gerl, Black

SB 2066 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2408 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1682 and 1683 of the Senate Journal and that SB 2408 be amended as follows:

On page 7, line 23, remove the overstrike over the words
~~"This code shall be implemented by"~~

On page 7, line 24, remove the overstrike over the words
~~"and may be amended by rules"~~ and after the word
~~"promulgated"~~ insert the word "adopted" and remove
the overstrike over the words ~~"by the"~~

On page 7, line 25, after the word ~~"superintendent"~~ insert
the words "director of the office of management and
budget" and remove the overstrike over the words
~~"pursuant to chapter 28-32."~~

On page 7, line 26, after the numeral "2." insert the
following new language:

"For the purposes of manufactured homes, the
state building code shall consist of the
manufactured homes construction and safety
standards under 24 CFR 3280 adopted
pursuant to the Manufactured Housing
Construction and Safety Standards Act [42
U.S.C. 5401 et seq.]."

3."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. David, Vosper, Hilken
For the House: Reps. DeMers, W. Williams, Wold

SB 2408 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

THE SENATE RECONVENED, with President Sands presiding.

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2497

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly enrolled:

SB 2093, SB 2112, SB 2128, SB 2142, SB 2156, SB 2251,
SB 2255, SB 2268, SB 2288, SB 2291, SB 2344, SB 2345,
SB 2355, SB 2362, SB 2367, SB 2422, SCR 4006

SEN. FRITZELL, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 29, 1983

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

Dear Mr. President:

This is to inform you that on March 29, 1983, I signed the following Senate Bills:

SB 2004, SB 2043, SB 2064, SB 2157, SB 2176, SB 2270,
SB 2316, SB 2343, SB 2351, SB 2364.

Sincerely,

ALLEN I. OLSON
Governor

STATE OF NORTH DAKOTA
EXECUTIVE OFFICE
BISMARCK

March 29, 1983

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

Dear Mr. President:

Senate Bill 2339 provides for an appropriation of \$12,500 from the general fund to defray the expense of the second volume of "The Centennial Heritage Series" to be published and distributed by the Institute for Regional Studies at North Dakota State University. "The Centennial Heritage Series" is a project instituted by the North Dakota Humanities Council to publish a series of books concerning the state's history and culture for the purpose of celebrating North Dakota's Centennial in 1989. The first volume of "The Centennial Heritage Series" entitled "The North Dakota Political Tradition" was funded by grants from the North Dakota Humanities Council.

The Humanities Council has received \$300,000 for fiscal year 1983 from the National Endowment for the Humanities for the purpose of awarding grants for humanities programs. This amount is \$30,000 over and above what the Council expected, providing it with the most money ever for a comparable period. It is the function of the North Dakota Humanities Council to fund grants for the promotion of the humanities and it has adequate funding for this purpose. Therefore, if the Council is still committed to the integrity of this project, it should provide appropriate funding. In light of available funding from the Humanities Council, Senate Bill 2339 is an unnecessary expenditure from the general fund.

Therefore, I veto Senate Bill 2339.

Sincerely,

ALLEN I. OLSON
Governor

MOTION

SEN. NETHING MOVED that the Governor's veto be placed on the calendar on the Fifteenth order of business, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2497: A BILL for an Act 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.

SEN. MATCHIE MOVED that SB 2497 be amended as follows:

In lieu of the amendments to Senate Bill No. 2497 adopted by the Senate as found on pages 1829-1831 of the Senate Journal, Senate Bill No. 2497 is amended as follows:

On page 1, line 1, after the word "reenact" insert the words "subdivision c of subsection 1 of section 57-38-01.3, sections 57-38-29, 57-38-30, and"

On page 1, line 3, after the word "individuals" and before the semicolon insert the words "and corporations and limiting the amount of federal income tax deductible by corporations"

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

"SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 57-38-01.3 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Reduced by the amount of federal income taxes, paid or accrued as the case may be during the applicable tax year, adjusted by any federal income tax refunds, to the extent that such taxes were paid or accrued upon income which becomes a part of the North Dakota taxable income. However, this deduction shall be limited to fifty percent of the amount determined in this subdivision.

SECTION 2. AMENDMENT. Section 57-38-29 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

SECTION 3. AMENDMENT. Section 57-38-30 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

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

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

On page 1, line 20, delete the word "Section" and insert in lieu thereof the word "Sections", and delete the numeral "1" and insert in lieu thereof the numerals "2, 3, and 4"

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

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

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

On page 1, line 25, delete the word and numeral "Section 2" and insert in lieu thereof the words and numerals "sections 1 and 5" and delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines, sections, and pages accordingly

SEN. MATCHIE MOVED that the proposed amendments be adopted.

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2497, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2497, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2497 lost.

SEN. BARTH MOVED that SB 2497 be amended as follows:

In lieu of the amendments to Senate Bill No. 2497 adopted by the Senate as found on pages 1829 through 1831 of the Senate Journal, Senate Bill No. 2497 is amended as follows:

On page 1, line 1, after the word "reenact" insert the words "sections 57-38-29, 57-38-29.1, 57-38-30, and"

On page 1, line 3, after the word "individuals" and before the semicolon insert the words "and corporations and the energy cost relief credit" and delete the words "to repeal section 57-38-29.1 of the North"

On page 1, delete line 4

On page 1, line 5, delete the words "allowed to individual income tax filers"

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

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

57-38-29. Rate of tax on individuals. A tax is hereby imposed upon every individual, to be levied,

collected, and paid annually with respect to the taxable income of such individual as defined in this chapter, computed at the following rates:

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

SECTION 2. AMENDMENT. Section 57-38-29.1 of the North Dakota Century Code as contained in Section 1 of Senate Bill No. 2323 as approved by the Forty-eighth Legislative Assembly is hereby amended and reenacted to read as follows:

57-38-29.1. Energy cost relief credit. Except as limited herein, there shall be allowed to individuals, estates, and trusts required to file an income tax return, a credit equal to the tax liability imposed by section 57-38-29. This credit shall be placed on the state income tax return as a separate line item entitled "energy cost relief

credit" which shall follow the computation of tax liability pursuant to the provisions of chapter 57-38. The income tax liability computed on the income tax return shall be reduced by the amount of this credit; provided, that the maximum credit deducted on any return shall not exceed one hundred fifty dollars for any taxable year. For nonresidents, the credit is limited to the ratio that a nonresident's North Dakota adjusted gross income bears to the nonresident's federal adjusted gross income.

SECTION 3. AMENDMENT. Section 57-38-30 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-30. Imposition and rate of tax on corporations.

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

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

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

On page 1, delete lines 18 and 19

On page 1, line 20, delete the words "Section 1 of"

On page 1, delete lines 21 through 24

On page 1, line 25, delete the words "years for which this Act is effective. Section 2 of this" and insert in lieu thereof the word "This"

And renumber the lines, sections, and pages accordingly

SEN. BARTH MOVED that the proposed amendments be adopted.

SEN. BARTH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2497, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2497, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennesfos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2497 lost.

SEN. MAIXNER MOVED that SB 2497 be amended as follows:

In lieu of the amendments to Senate Bill No. 2497 adopted by the Senate as found on pages 1829 through 1831 of the Senate Journal, Senate Bill No. 2497 is amended as follows:

On page 1, line 1, after the word "reenact" insert the words "sections 57-38-29, 57-38-29.1, and"

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

relief credit" and delete the words "to repeal section 57-38-29.1 of the North"

On page 1, delete line 4

On page 1, line 5, delete the words "allowed to individual income tax filers"

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

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

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

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

SECTION 2. AMENDMENT. Section 57-38-29.1 of the North Dakota Century Code as contained in Section 1 of Senate Bill No. 2323 as approved by the Forty-eighth Legislative Assembly is hereby amended and reenacted to read as follows:

57-38-29.1. Energy cost relief credit. Except as limited herein, there shall be allowed to individuals, estates, and trusts required to file an income tax return, a credit equal to the tax liability imposed by section 57-38-29. This credit shall be placed on the state income tax return as a separate line item entitled "energy cost relief credit" which shall follow the computation of tax liability pursuant to the provisions of chapter 57-38. The income tax liability computed on the income tax return shall be reduced by the amount of this credit; provided, that the maximum credit deducted on any return shall not exceed ~~one hundred~~ twenty-five dollars for any taxable year. For nonresidents, the credit is limited to the ratio that a nonresident's North Dakota adjusted gross income bears to the nonresident's federal adjusted gross income."

On page 1, line 15, after the overstruck word "~~seven~~" insert the word "eleven", and delete the word "ten"

On page 1, delete lines 18 and 19

On page 1, line 20, delete the words "Section 1 of"

On page 1, delete lines 21 through 24

On page 1, line 25, delete the words "years for which this Act is effective. Section 2 of this" and insert in lieu thereof the word "This"

And renumber the lines, sections, and pages accordingly

SEN. MAIXNER MOVED that the proposed amendments be adopted.

SEN. MAIXNER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2497, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2497, the roll was called and there were 21 YEAS, 32 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;

Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2497 lost.

SEN. REDLIN REQUESTED a division vote on SB 2497, which request was granted.

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 4:20 p.m. for the purpose of a meeting of the rules committee, which motion prevailed.

THE SENATE RECONVENED, with President Sands presiding.

MOTION

SEN. NOTHING MOVED that further consideration of SB 2497 be laid over one legislative day, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. BARTH: Mr. President: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President and members of the Senate: I was absent yesterday and today. I want to relate to the Senate that I have just returned from testifying before the Massachusetts State Senate on some legislation that has been introduced in relation to the Massachusetts people looking at establishing a bank such as we have here in North Dakota.

I might just mention I had the privilege yesterday of touring their capitol and their city, which has a lot of history. I would also mention I was asked by the presiding officer, who, in the case of Massachusetts, is not the lieutenant governor, but is one of their senators-elect, to address the Senate as it was assembled. I might say I tried to be an ambassador of good will. I am sure I had many senators come to me later to say we have done a very poor job of promoting our state because a lot of the senators were wondering if we were still a glacier or not. I took care of that and I took care of other matters.

TUESDAY, MARCH 29, 1983

1959

I want you to know I felt that I was very well received. I do believe that we have some work to do in relation to promoting our state. I was well received and I appreciated the honor of being asked to testify before the Massachusetts State Senate.

MOTIONS

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

SEN. NETHING MOVED that after the reading of SB 2500, SCR 4058, HB 1001, and HB 1731, the Senate adjourn and convene at 9:00 a.m., Wednesday, March 30, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary