

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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SEVENTY-FIFTH DAY

Bismarck, April 20, 1983

The Senate convened at 8:00 a.m., with President Sands presiding.

The prayer was offered by Senator Krauter.

Heavenly Father, we want to thank You for the wisdom and guidance You have given us thus far. Help guide us to narrow these differences and bring them to a productive conclusion.

These closing days of the Forty-eighth Legislative Session, direct this Senate Assembly that their decisions are in unison for the prosperity of North Dakota.

Help us preserve our natural resources, the greatest of which are our citizens.

Heavenly Father, we are here because we love this great state called North Dakota. We pray that You will acknowledge our decisions. In Jesus' name we pray, Amen.

ROLL CALL

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

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

SEN. TWETEN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

LEO LEIDHOLM, Secretary

## MOTION

SEN. NETHING MOVED that the Senate stand in recess until 9:00 a.m., which motion prevailed.

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

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

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

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

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

## MOTION

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

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

MESSAGE FROM THE HOUSE  
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

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

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

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1005, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1005:

Sens. Thane, Lips, Grotberg

MESSAGE TO THE HOUSE  
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

## MOTION

SEN. NETHING MOVED that the Senate be on the Seventh order of business, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2009 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1922-1924 of the Senate Journal and that 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

SEN. THANE MOVED that the conference committee report on SB 2009 be adopted, which motion prevailed.

SEN. THANE MOVED that the rules be suspended, that SB 2009 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; Dotzenrod;  
Dykshoorn; Erickson; Fritzell; Goodman; Grotberg;

Heigård; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Leibhan; Moore; Parker; Tennefos

ABSENT AND NOT VOTING: Bakewell

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

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#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2039 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1980 and 1981 of the Senate Journal and that 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"
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- 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. a. Thirty-five percent, subject to the provisions of subdivision b, 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.
- b. If at any time during the 1983-85 biennium, the office of management and budget projects the unobligated state general fund balance on June 30, 1985, to be twenty-five million dollars or less, the director of the office of management and budget shall certify that fact to the state treasurer. Upon receipt of the certification, the state treasurer shall transfer out of any funds allocated under this subsection over fourteen million dollars, an amount not to exceed one million five hundred thousand dollars, to the state general fund."

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 if the ending general fund balance is projected to be \$25,000,000 or less.

For the Senate: Sens. Lips, Thane, Tallackson

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

SEN. LIPS MOVED that the conference committee report on SB 2039 be adopted.

#### REQUEST

SEN. KUSLER 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 2 YEAS, 51 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lee; Mutch

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Naaden; Nelson; Nething; Olson; Parker; Peterson;

Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

The conference committee report on SB 2039 was not adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2039, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2039:

Sens. Lips, Thane, Tallackson

MESSAGE TO THE HOUSE  
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

MESSAGE FROM THE HOUSE  
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

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: 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 2548-2551 of the Senate Journal and that SB 2501 be amended as follows:

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 for a conditional transfer of funds to a state capital construction fund; to provide an appropriation for construction, remodeling, and equipping of, or for additions to, buildings and other projects of state agencies, departments, and institutions; to provide for financing of authorized construction projects with

moneys from other than the general fund and from loans from the Bank of North Dakota; and to provide for a contingent effective date.

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

**SECTION 1. LEGISLATIVE INTENT.** It is the intent of the legislative assembly to provide for construction of facilities for the use of state agencies and institutions to improve the quality of educational opportunities in this state, to improve the quality of life, and to encourage economical development. It is also the intent of the legislative assembly that the construction of the facilities during North Dakota's worst economic recession since the 1930's will help North Dakota in its economic recovery through increased job opportunities.

**SECTION 2. TRANSFER.** If general fund revenues exceed \$545,000,000 for the year ending June 30, 1984, the director of the office of management and budget shall direct the state treasurer to transfer from the general fund to the state capital construction fund the sum of \$10,478,963, or so much thereof as may be necessary, or the amount by which general fund revenues exceed \$545,000,000 for the year ending June 30, 1984, whichever is less. Funds transferred pursuant to this section shall be expended by the various agencies, departments, and institutions for the construction or addition, remodeling, and equipping of buildings in accordance with specific appropriation made by the legislative assembly in section 2 of this Act.

**SECTION 3. APPROPRIATION.** There is hereby appropriated out of any moneys in the state capital construction fund, the sum of \$10,478,963, or so much thereof as may be necessary, to state agencies, departments, and institutions as provided in this section, for the construction and equipping of buildings and facilities, or the remodeling of buildings and facilities within the limitations provided in this section during the biennium beginning July 1, 1983, and ending June 30, 1985.

Name of Agency, Department, or Institution	Type of Facility	State Funds
North Dakota state university	Computer center	\$ 2,593,800
State school of science	Agriculture mechanics and welding building	2,500,960
State fair association	Exhibition building	1,534,203
Minot state college	Classroom building	550,000
University of North Dakota	Abbott hall addition	3,300,000
Total		\$10,478,963

If on June 30, 1985, there are not sufficient funds in the capital construction fund to commence construction or remodeling of a project in accordance with the provisions of this Act, construction on that project shall not be commenced and those funds shall be returned to the general fund. If on June 30, 1985, sufficient funds are in the capital construction fund to complete a project in accordance with the provisions of this Act, but have not been paid out for all expenses to be incurred in its completion, such funds as may be necessary to complete the project or projects shall remain in the capital construction fund until spent for such purposes. In addition to the appropriations and authorizations set forth in this Act, there is hereby appropriated to the state agencies, departments, and institutions listed in this section, any moneys available from federal or other sources to construct or remodel any projects listed in this Act. In no event shall any project exceed the cost indicated in the column "State Funds" except to the extent funds may be received from federal or other sources. If on June 30, 1984, there are not sufficient funds in the capital construction fund for payment of the full amount appropriated for each authorized project, the available funds shall be prorated among the state agencies, departments, and institutions which have received loans from the Bank of North Dakota under section 3 of this Act in proportion to the amount borrowed. Any remaining funds shall be distributed for other projects in priority of their listing in this section.

**SECTION 4. INTERIM LOANS FROM THE BANK OF NORTH DAKOTA.** A state agency, department, or institution which has been conditionally appropriated funds for capital construction under section 2 of this Act may apply for a loan or loans from the Bank of North Dakota for the purpose of engaging in the particular capital construction project authorized under section 2 of this Act. The total amount of the loan or loans may not exceed the amount appropriated for the project under this Act. The money borrowed may only be used for the payment of construction costs for the project and interest payments on the loan. The principal and interest of these loans may be repaid from any available source.

The state agency, department, or institution must request and receive approval of the application for the loan from the emergency commission prior to submitting the application for a loan to the state industrial commission. The emergency commission shall approve or disapprove the application after investigating the sufficiency of future estimated general fund revenues to pay for the authorized capital construction projects. The emergency commission shall make its investigation in consultation with the state tax commissioner, the director of the office of management and budget, and the chairman of the legislative council.

The state agency, department, or institution shall submit the application for the loan, if approved by the emergency commission, to the state industrial commission which shall approve or disapprove the loan application. The state industrial commission may approve the loan upon terms and conditions it deems necessary. Upon approval of the loan application, the state industrial commission shall direct the Bank of North Dakota to issue the loan.

**SECTION 5. COMPUTER CENTER CONSTRUCTION AUTHORITY.** The state board of higher education is authorized to construct and equip a computer center at North Dakota state university, Fargo, in accordance with sections 5 through 7 of this Act.

**SECTION 6. ALTERNATIVE FINANCING - APPROPRIATION.** The state board of higher education is authorized to enter into an agreement in accordance with this section with any person or public entity for the financing, construction, and equipping of a computer center at North Dakota state university, Fargo. The board may convey any real property necessary upon which to construct the

computer center to the person or public entity financing the project; provided, that the board is entitled to rent or lease back that same property after the computer center has been constructed or is otherwise ready for use; and provided, further, that the rent or lease back term does not exceed ninety-nine years in duration and after which term the agreement provides that the property will revert with clear title to the state. The board may construct and equip the computer center with its own finances if federal or private funds, grants, or gifts become available to the board for such purposes. However, the board may not obligate any funds from the general fund of the state treasury for this purpose.

The board may not use any money from state general fund appropriations for the construction of the computer center authorized by this section. The proceeds resulting from the sale of any bonds or other instruments of indebtedness issued by the person or public entity financing construction of the computer center and any federal or private funds, grants, gifts, or other proceeds which may be available and received by the state board of higher education for such construction are hereby appropriated to the state board of higher education for the construction and equipment of the computer center. Funds used for the construction of the computer center may not exceed \$2,593,800.

**SECTION 7. CONDITIONAL ALTERNATE FINANCING - APPROPRIATION - LIMITATION.** If construction of the computer center pursuant to section 6 cannot be financed under the provisions of that section, then the state board of higher education, in accordance with chapter 15-55, is authorized to issue and sell self-liquidating, tax exempt bonds in any amount up to but not exceeding \$2,593,800, for the purpose of constructing and equipping a revenue-producing computer center at the North Dakota state university, Fargo. Bonds issued under the provisions of this section are not a general obligation of the state of North Dakota. The proceeds resulting from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the computer center authorized by this section. Any unexpended balances from the sale of bonds authorized by this section shall be placed in sinking funds for the retirement of the authorized bonds. Funds used for construction and equipment of the computer center may not exceed \$2,593,800.

SECTION 8. CONTINGENT EFFECTIVE DATE -  
 SECTIONS 5 THROUGH 7. Sections 5, 6, and 7 of this Act become effective only if there is no transfer under section 2 of this Act or if the transfer is not sufficient to construct the computer center at North Dakota state university."

And renumber the lines and pages accordingly

For the Senate: Sens. Tennefos, Thane, Tallackson

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

SEN. TENNEFOS MOVED that the Conference Committee report on SB 2501 be adopted, which motion lost on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2501, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2501:

Sens. Tennefos, Thane, Tallackson

#### MESSAGE TO THE HOUSE 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

#### MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

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

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
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

MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE  
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. Tennesfos, Thane, Tallackson

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

SEN. NOTHING MOVED that the Senate be on the Seventh order of business, and that HB 1053 be placed directly behind HB 1052, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. ADAMS MOVED that the conference committee report on HB 1052 as printed on pages 2619-2621 of the Senate Journal be adopted, which motion prevailed.

SEN. ADAMS MOVED that the rules be suspended, that HB 1052 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the assessment of agricultural land; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 40 YEAS, 13 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Goodman; Miller Heinrich; Holmberg; Lashkowitz; Lips; Matchie; Peterson; Redlin; Satrom; Stenehjem; Tennefos; Waldera; Wenstrom

ABSENT AND NOT VOTING: None

HB 1052 passed, the title was agreed to, and the emergency clause carried.

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MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1053

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1053 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1601-1603 of the Senate Journal and that 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

SEN. MATCHIE MOVED that the conference committee report on HB 1053 be adopted, which motion prevailed on a voice vote.

SEN. MATCHIE MOVED that the rules be suspended, that HB 1053 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Fritzell; Heigaard; Hilken; Krauter; Kusler; Lee; Leibhan; Lips; Maixner; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething;

Olson; Peterson; Reiten; Stromme; Tallackson; Thane; Tweten; Vosper; Walsh; Wenstrom; Wogsland; Wright

NAYS: Erickson; Goodman; Grotberg; Miller Heinrich; Holmberg; Kilander; Lashkowitz; Lodoen; Matchie; Moore; Parker; Redlin; Satrom; Stenehjem; Streibel; Tennefos; Todd; Waldera

ABSENT AND NOT VOTING: None

HB 1053 passed and the title was agreed to.

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MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 3:00 p.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 President has signed:

HB 1009, HB 1022, HB 1027, HB 1028, HB 1029, HB 1036  
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 reports and subsequently passed the same:

HB 1052, HB 1053  
Very respectfully,  
LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:14 p.m., April 20, 1983:

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

SEN. FRITZELL, Chairman

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

REPORT OF CONFERENCE COMMITTEE

SEN. PETERSON MOVED that the conference committee report on HB 1724 as printed on pages 2575 and 2576 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the rules be suspended, that HB 1724 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1724: A BILL for an Act to provide for distribution of certain education aid funds; to amend and reenact sections 57-51.1-07 and 57-51.1-08 of the North Dakota Century Code, relating to allocation of moneys in the oil extraction tax development fund and to legislative intent; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Hilken; Vosper; Wogsland

HB 1724 passed, the title was agreed to, and the emergency clause carried.

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REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the Conference Committee report on HB 1007 as printed on pages 2617-2619 of the Senate Journal be adopted, which motion lost on a division vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1007:

Sens. Lips, Wenstrom, Stromme

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGE FROM THE HOUSE  
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:

SB 2501: Reprs. Mertens, Peterson, G. Martin  
Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

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

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

LEO LEIDHOLM, Secretary

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

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 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

## MESSAGES FROM THE HOUSE

## HOUSE CHAMBER

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

SB 2009

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

## MOTION

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

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

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

April 20, 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 April 20, 1983, I signed SB 2244.

Sincerely,

ALLEN I. OLSON  
Governor

#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2179 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1766 and 1767 of the Senate Journal and that 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: Reprs. G. Pomeroy, Schneider, Moore (refused to sign)

SEN. GOODMAN MOVED that the conference committee report on SB 2179 be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the rules be suspended, that SB 2179 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Adams; David; Dykshoorn; Moore; Parker; Vosper

**ABSENT AND NOT VOTING:** None

SB 2179 passed and the title was agreed to.

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**MESSAGE FROM THE HOUSE  
HOUSE CHAMBER**

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

HB 1727

Very respectfully,  
CHARLES FLEMING, Chief Clerk

**REPORT OF CONFERENCE COMMITTEE**

**MR. PRESIDENT:** Your Conference Committee to which was referred HB 1727 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1969-1971 of the Senate Journal and that 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)

SEN. GOODMAN MOVED that the conference committee report on HB 1727 be adopted, which motion prevailed.

SEN. NETHING MOVED that the rules be suspended, that HB 1727 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 32 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; David; Dykshoorn; Erickson; Kilander; Lee; Leibhan; Lips; Moore; Mutch; Nelson; Parker; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

HB 1727 passed and the title was agreed to.

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MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1460

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1460 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1615 and 1616 of the Senate Journal.

For the Senate: Sens. Adams, Goodman, Dotzenrod

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

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

SEN. ADAMS MOVED that the rules be suspended, that HB 1460 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1460: A BILL for an Act to amend and reenact sections 57-38-62 and 57-38-63 of the North Dakota Century Code, relating to payment of income tax; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Dykshoorn; Erickson; Kilander; Leibhan; Moore; Mutch; Parker; Streibel; Tennefos; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: None

HB 1460 passed and the title was agreed to.

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MESSAGE TO THE HOUSE  
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

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 7:00 p.m., which motion prevailed.

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

MESSAGE TO THE HOUSE  
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 1460, HB 1727

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2497 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2497

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  
Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### MOTION

SEN. NETHING MOVED that SB 2497 be placed on the Twelfth order of business, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GOODMAN MOVED that the Senate concur in the House amendments to SB 2497.

#### REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to concur in the House amendments to SB 2497, which request was granted.

#### ROLL CALL

The question being on the motion to concur in the House amendments to SB 2497, the roll was called and there were 38 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Dykshoorn; Erickson; Hilken; Lashkowitz; Lee; Leibhan; Maixner; Moore; Mutch; Parker; Streibel; Teneffos; Todd

ABSENT AND NOT VOTING: None

The Senate concurred in the House amendments to SB 2497.

SEN. GOODMAN MOVED that the rules be suspended, that SB 2497 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 38 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Leibhan; Lips; Lodoen; Meyer, D.; Meyer, J.; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Dykshoorn; Erickson; Hilken; Lashkowitz; Lee; Maixner; Matchie; Moore; Mutch; Parker; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

SB 2497 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2039 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1980 and 1981 of the Senate Journal and that 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)

SEN. LIPS MOVED that the conference committee report on SB 2039 be adopted.

#### REQUEST

SEN. KUSLER 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 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Christensen; Dotzenrod; Dykshoorn; Fritzell; Goodman; Holmberg; Kilander; Leibhan; Lips; Lodoen; Moore; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjelm; Stromme; Thane; Todd; Vosper; Wright

NAYS: Adams; Bakewell; Barth; Berube; David; Erickson; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Lee; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Satrom; Streibel; Tallackson; Tennefos; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Tweten

The conference committee report on SB 2039 was not adopted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SB 2039, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on SB 2039:

Sens. Lips, Thane, Tallackson.

#### MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

HB 1004

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1004 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2379 and 2380 of the Senate 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

SEN. STREIBEL MOVED that the conference committee report on HB 1004 be adopted, which motion prevailed.

SEN. STREIBEL MOVED that the rules be suspended, that HB 1004 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Meyer, D.; Meyer, J.; Moore; Redlin; Walsh

ABSENT AND NOT VOTING: None

HB 1004 passed and the title was agreed to.

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MOTION

SEN. NETHING MOVED that the Senate reconsider the action whereby a conference committee was appointed on SB 2039, and that the conference committee report on SB 2039 be adopted.

REQUEST

SEN. KUSLER 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 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Barth; Berube; David; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Lee; Maixner; Matchie; Meyer, D.; Meyer, J.; Satrom; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

The conference committee report on SB 2039 was adopted.

SEN. LIPS MOVED that the rules be suspended, that SB 2039 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Krauter

ABSENT AND NOT VOTING: None

SB 2039 passed and the title was agreed to.

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MESSAGE TO THE HOUSE  
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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1005

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1005 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2250-2260 of the Senate Journal and that 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

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

SEN. THANE MOVED that the rules be suspended, that HB 1005 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A 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 45 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Dykshoorn; Erickson; Moore; Parker;  
Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

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

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MOTION

SEN. NETHING MOVED that the Senate stand at ease, subject to the call of the Chair, which motion prevailed.

THE SENATE RECONVENED, with President Sands presiding.

MESSAGE TO THE HOUSE  
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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1605

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1605 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1622 of the Senate Journal and that 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)

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

SEN. NETHING MOVED that the rules be suspended, that HB 1605 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Wright

ABSENT AND NOT VOTING: Meyer, D.

HB 1605 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: 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 2548-2551 of the Senate 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)

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

SEN. TENNEFOS MOVED that the rules be suspended, that SB 2501 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A 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 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard;

Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Barth; David; Hilken; Moore; Stromme; Thane

ABSENT AND NOT VOTING: Goodman; Meyer, D.

SB 2501 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2276 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2070-2073 of the Senate Journal and that 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 "~~11.61 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

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

SEN. PETERSON MOVED that the rules be suspended, that SB 2276 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: David

ABSENT AND NOT VOTING: Goodman; Meyer, D.

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

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MESSAGE TO THE HOUSE  
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

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2002 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2064-2067 of the Senate Journal and that 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 "appropriation" 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

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

SEN. LIPS MOVED that the rules be suspended, that SB 2002 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A 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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: David

ABSENT AND NOT VOTING: Goodman; Meyer, D.

SB 2002 passed and the title was agreed to.

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MESSAGE TO THE HOUSE 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

MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SB 2179

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 1025

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

**REPORT OF CONFERENCE COMMITTEE**

MR. PRESIDENT: Your Conference Committee to which was referred HB 1025 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1592 and 1593 of the Senate Journal and that HB 1025 be amended as follows:

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

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

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

"Equipment 15,000"

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

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

"Less budget adjustment 46,831"

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

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

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

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Economic Development Commission

The salaries and wages line item has a net reduction of \$6,669; \$4,868 from the general fund and \$1,801 from estimated income. This will allow funds for the state to

provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$2,270 over the executive budget for health insurance premiums.

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

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

For the Senate: Sens. Lips, Fritzell, Tallackson

For the House: Reps. Erdman, Hausauer, Sanstead

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

SEN. LIPS MOVED that the rules be suspended, that HB 1025 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A 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 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Groberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Moore; Mutch; Naaden; Nelson; Olson;

Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem;  
 Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;  
 Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Hilken; Meyer, J.

ABSENT AND NOT VOTING: Goodman; Meyer, D.; Nething;  
 Wenstrom

HB 1025 passed and the title was agreed to.

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#### MOTION

SEN. NELSON MOVED that the Senate stand at ease, subject to the call of the Chair.

THE SENATE RECONVENED, with President Sands presiding.

#### MESSAGE TO THE HOUSE 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 1025, HB 1605

Very respectfully,  
 LEO LEIDHOLM, Secretary

#### ELECTION OF PRESIDENT PRO-TEM FOR THE INTERIM

SEN. LIPS: Mr. President, ladies and gentlemen of the Senate: It is a pleasure for me this evening to place in nomination the name of a lady of this Senate for the Interim presidency. I've known Shirley for a long time, I like to think I started her out in politics in the late "50's". She's held, I think, every political office there is in the district organization. She served as Vice Chairwoman of the Republican Party in North Dakota. She has been in the Senate since 1973. Shirley, there is one thing I am going to teach you one of these times, and that is how to press that "green button". Mr. President, it is a real pleasure for me to place in nomination the name of Senator Shirley Lee for Interim President Pro-Tem.

SEN. REDLIN: Mr. President, ladies and gentlemen of the Senate: It is indeed a privilege for me to place in nomination for President Pro-Tem in the Interim, a distinguished member of this body who has been active in politics for a long period of time; who is a great supporter of his community and his city; and I want you to know that he has been a successful and innovative farmowner and operator all of his life. He has served five sessions here in the Senate, one in the House of Representatives, five sessions of work on the Appropriations committee, and a session on Natural

Resources and the Judiciary. He commands the respect of all of us for his sound reasoning and his considerate approach to the problems that face us. Mr. President, I place in nomination a distinguished senator and my friend, Senator Jerome Walsh.

SEN. LIPS MOVED that the nominations cease which motion prevailed.

#### ROLL CALL

The question being on the nomination for President Pro-Tem for the Interim, the roll was called and there were 31 votes for Lee, 20 for Walsh, 2 absent and not voting.

THOSE VOTING FOR LEE: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Holmberg; Kilander; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

THOSE VOTING FOR WALSH: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Hilken; Krauter; Kusler; Lashkowitz; Lee; Maixner; Matchie; Meyer, J.; Miller Heinrich; Redlin; Satrom; Stromme; Tallackson; Waldera; Wogsland

ABSENT AND NOT VOTING: Goodman, Meyer, D.

Senator Shirley Lee was elected President Pro-Tem for the Interim.

SEN. WALSH: Mr. President, ladies and gentlemen of the Senate: It is an honor for me to participate in this event, you know I tried to find out a little bit of information about this job, I was concerned about the salary, and nobody seemed to know whether it was going to be four and zero, or two and two or zero and two, I think the concensus was that it was going to be zero and zero. Then I also was worried about the working conditions and someone led me to believe that most of the time you are laid off, the unemployment benefits aren't too great and there isn't too much work in that regard either.

My political advisors told me that I might expect ground swallow support but the landslide didn't quite materialize. As things turned out, I also was advised that I could move for a couple of motions, and one would have been to cap the opposition, the Majority party's votes at about 21 votes, but I didn't think a motion to place a cap on the votes would be in order either. Mr. President, members of the Senate, it is a sincere pleasure for me to participate in this event, it is an honor that I received from this body,

and I would at this time move that a unanimous ballot be cast for Senator Lee.

SEN. LEE: Mr. President, members of the Senate: I really appreciate the kind remarks from the senator who made my nomination and the remarks of the senator who made it unanimous. I also very much appreciate the honor that this body has bestowed upon me. It has been a real privilege and a pleasure to work with all of you this session. This is my sixth session and I do want to thank you very much for this honor.

SEN. NOTHING: Mr. President: I would like to inform the body that, from a check of the records that the Legislative Council has available, Senator Lee is the first woman to be elected President Pro-Tem of the North Dakota Senate.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1007

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred HB 1007 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1756 and 2122-2125 of the Senate Journal and that 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

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

SEN. LIPS MOVED that the rules be suspended, that HB 1007 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE BILL

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;

Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David

ABSENT AND NOT VOTING: Goodman; Meyer, D.

HB 1007 passed and the title was agreed to.

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MESSAGE TO THE HOUSE  
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 FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2039

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2276

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 failed to pass the same:

SB 2501

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:

WEDNESDAY, APRIL 20, 1983

2701

SB 2002

Very respectfully,  
CHARLES FLEMING, Chief Clerk

THE PRESIDENT ANNOUNCED the following 1983-84 Interim Committee appointments:

SENATE INTERIM COMMITTEE APPOINTMENTS

Legislative Council:

Senators Lodoen  
Holmberg  
Moore  
Barth  
Matchie  
Nething  
Redlin

Capitol Grounds Planning Commission:

Senators Erickson  
Tennefos  
Tallackson

Multistate Tax Compact Advisory Committee:

Senators Adams  
Maixner

Education Commission of the States:

Senator Peterson

Indian Affairs Commission:

Senator D. Meyer

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President 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

LEO LEIDHOLM, Secretary

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

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

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

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

LEO LEIDHOLM, Secretary

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

MESSAGES FROM THE HOUSE  
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

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

#### REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:43 a.m., April 22, 1983:

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

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 the following bills were delivered to the Governor for his approval at the hour of 10:43 a.m., April 22, 1983:

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

SEN. FRITZELL, Chairman

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

#### MOTIONS

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

SEN. NETHING MOVED that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Senators Nelson, Todd, and Dotzenrod.

SEN. NETHING MOVED that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED as such committee: Senators Naaden, Lodoen, and Stromme.

#### ANNOUNCEMENTS

SEN. NELSON ANNOUNCED that the committee appointed to inform the Governor that the Senate has completed its business and is about to adjourn sine die, has completed its task and requested that the committee be discharged, which request was granted.

SEN. NAADEN ANNOUNCED that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn sine die, has completed its task and requested that the committee be discharged, which request was granted.

A committee from the House was received and announced that the House has completed its business and was ready to adjourn sine die.

MOTION

SEN. NETHING MOVED that the Senate adjourn sine die, which motion prevailed.

LEO LEIDHOLM, Secretary

## POSTSESSION ACTION BY GOVERNOR

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

	DATE SIGNED:
Senate Bill No. 2001	April 21, 1983
2197	April 21, 1983
2005	April 25, 1983
2037	April 25, 1983
2002	April 26, 1983
2276	April 26, 1983
2003	April 28, 1983
2006	April 28, 1983
2007	April 28, 1983
2008	April 28, 1983
2009	April 28, 1983
2010	April 28, 1983
2011	April 28, 1983
2012	April 28, 1983
2013	April 28, 1983
2014	April 28, 1983
2015	April 28, 1983
2016	April 28, 1983
2018	April 28, 1983
2019	April 28, 1983
2020	April 28, 1983
2021	April 28, 1983
2023	April 28, 1983
2024	April 28, 1983
2025	April 28, 1983
2027	April 28, 1983
2029	April 28, 1983
2030	April 28, 1983
2031	April 28, 1983
2033	April 28, 1983
2034	April 28, 1983
2035	April 28, 1983
2036	April 28, 1983
2038	April 28, 1983
2039	April 28, 1983
2040	April 28, 1983
2044	April 28, 1983
2067	April 28, 1983
2095	April 28, 1983
2179	April 28, 1983
2226	April 28, 1983
2493	April 28, 1983
2497	April 28, 1983