

## FORTY-FOURTH DAY

Bismarck, March 9, 1981

The House convened at 1:30 p.m., with Speaker Peterson presiding.

Prayer was offered by Father Gerald Ruelle, St. Alexius Hospital Chapel, Bismarck, North Dakota.

Roll was called and all members were present except Reps. Heigaard, Kent and D. Olson.

A quorum was declared by the Speaker.

## REVISION AND CORRECTION OF THE JOURNAL

Mr. Speaker: Your Committee on Revision and Correction of the

Journal has carefully examined the Journal of the Forty-first and Forty Third days and recommends that the same be corrected as follows:

On page 1434, after line 1, in the Journal of the Forty-first Day, insert the corrected Committee Report on SCR No. 4080.

On page 1509, after line 40, in the Journal of the Forty-third Day, insert the corrected title to Senate Bill No. 2049.

On page 1516, after line 75, in the Journal of the Forty-third Day, insert the correct title to Senate Bill No. 2409.

On page 1517, line 7, delete the words "as amended."

On page 1526, insert the corrected Committee Report on Senate Bill No. 2271.

And when so corrected recommends that the same be approved.

*Burns* Chairman

Rep. Sorum moved that the report be adopted, which motion prevailed.

## MOTIONS

Rep. Strinden moved that Senate Concurrent Resolutions Nos. 4031, 4035 and 4037 be laid over one legislative day, which motion prevailed.

Rep. Strinden moved that House Concurrent Resolution No. 3067 be laid over two legislative days, which motion prevailed.

Rep. Strinden moved that Senate Bill No. 2179 be laid over one legislative day, which motion prevailed.

## MOTIONS

Rep. Hill moved that the House reconsider its action whereby Senate Bill No. 2374 was lost, which motion prevailed.

Rep. Hill moved that the House reconsider its action whereby the Committee Report on Senate Bill No. 2374 was accepted, which motion prevailed.

Rep. Hill moved that Senate Bill No. 2374 be rereferred to the Committee on Agriculture, which motion prevailed.

ANNOUNCEMENT

Speaker Peterson announced that Senate Bill No. 2374 was rereferred to the Committee on Agriculture.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- House Bill No. 1118
- House Bill No. 1158
- House Bill No. 1203
- House Bill No. 1263
- House Bill No. 1415
- House Bill No. 1453
- House Bill No. 1457
- House Bill No. 1506
- House Bill No. 1519
- House Bill No. 1551
- House Bill No. 1559

and find the same correctly } Enrolled

Representative L. Hanson *Craig M. Richie* Chairman  
 motion prevailed, and the report was adopted. *Richie* moved that the report be adopted, which

SIGNING OF BILL

The Honorable James Peterson  
 Speaker of the House  
 House Chambers  
 Bismarck, North Dakota 58505

Dear Mr. Speaker:  
 This is to inform you that on March 6, 1981, I signed the following House Bill.  
 House Bill: 1467

Sincerely,  
 ALLEN I. OLSON  
 Governor

SIXTH ORDER OF BUSINESS

Rep. Haugland moved that the amendments to Senate Bill No. 2149 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1524 of the House Journal be adopted, which motion prevailed.

Rep. Haugland moved that the amendments to Senate Bill No. 2291 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1526 and 1527 of the House Journal be adopted, which motion prevailed.

Rep. Lang moved that the amendments to Senate Bill No. 2417 as recommended by the Committee on Political Subdivisions as printed on

page 1529 of the House Journal be adopted, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**House Bill No. 1113.** — A Bill for an Act to amend and reenact sections 10-22-06, 10-22-11, 10-22-12, 10-22-16, 10-23-04, 10-23-05, and 10-23-06 of the North Dakota Century Code, relating to certificate of good standing, and filing and license fees for corporate documents and certificates.

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 ayes, 94; nays, 0; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11			• MR. SPEAKER		
• DIETZ			• KNUDSON			• OLSON, D. #13					
• DOTZENROD			• KOLAND			• OPEDAHL					
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBERG			• KUCHERA			• POWEROY, E. #24					
• GATES			• LANG			• POWEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCHE			• MARSDEN			• RICHARD					
• HANSON, J. #48			• MARTIN			• RICHIE					
• HANSON, B. #7			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #49			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWIONTEK					

So the bill passed and the title was agreed to.

**MOTION**

Rep. Kretschmar moved that the House waive the reading of the title to House Bill No. 1580, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1580.** — A Bill for an Act to amend and reenact sections 43-20-02, 43-20-06, 43-20-07, 43-28-05, 43-28-11, 43-28-12.1, 43-28-12.2, subsection 3 of section 43-28-15, sections 43-28-16, 43-28-17, 43-28-18, 43-28-22, and 43-28-24 of the North Dakota Century Code, relating to license requirements and fees of dentists and dental hygienists, grounds for suspension of dental license, compensation of members of the board of dental examiners, and providing that examinations may be conducted by a designee of the board.

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 ayes, 94; nays, 1; absent and not voting, 5.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		

• BACKES	• HOUMANN	• MOORE	• UNHJEM
• BERG	• HUGHES	• MOUN	• VANDER VORST
• BERGER	• HUWE	• MURPHY	• VIG
• BLACK	• JACOBSEN, R.	• MUSHIK	• WAGNER
• BOYUM	• JACOBSON, I.	• NAGEL	• WALD
• BROKAW	• KELLY	• NICHOLAS	• WENTZ
• CONMY	• KENT	• OLAFSON	• WHALEN
• CRABTREE	• KINGSBURY	• OLSEN	• ZIMBLEMAN
• DICK	• KLOUBEC	• OLSON, A. #11	
• DIETZ	• KNUDSON	• OLSON, D. #13	• MR. SPEAKER
• DOTZENROD	• KOLAND	• OPEDAHL	
• DUBORD	• KOSKI	• PELTIER	
• EAGLES	• KRETSCHMAR	• PETERSON	
• FREBORG	• KUCHERA	• POMEROY, E. #24	
• GATES	• LANG	• POMEROY, G. #42	
• GERL	• LARSON, B. #12	• REED	
• GOETZ	• LARSON, G. #29	• REITEN	
• GORDER	• LARSON, H. #7	• RETZER	
• GUNDERSON	• LIPSIEA	• RICE	
• GUNSCH	• MARS DEN	• RICHARD	
• HANSON, J. #48	• MARTIN	• RICHIE	
• HANSON, B. #3	• MARTINSON	• RIEHL	
• HAUGLAND	• MATCHIE	• RUED	
• HAUSAUER, A. #49	• MATHENY	• SCHINDLER	
• HAUSAUER, R. #25	• MATTON	• SOLBERG	
• HEDSTROM	• MEIERS	• SORUM	
• HEGAARD	• MELBY	• STRINDEK	
• HILL	• MERTENS	• SWINTEK	

So the bill passed and the title was agreed to.

MOTION

Rep. Swiontek moved that House Concurrent Resolution No. 3004 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2051. — A Bill for an Act to prohibit disclosure by any business entity offering data processing services except upon written consent and to provide a civil penalty for violation of this chapter.

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 ayes, 91; nays, 3; absent and not voting, 5.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION						ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• HETZ			• THOMPSON		
• ANDERSON, R. #34			• MORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUN			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• MARS DEN			• RICHARD					
• HANSON, J. #48			• MARTIN			• RICHIE					
• HANSON, B. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #49			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEGAARD			• MELBY			• STRINDEK					
• HILL			• MERTENS			• SWINTEK					

So the bill passed and the title was agreed to.

Senate Bill No. 2101. — A Bill for an Act to amend and reenact sections 15-34.2-12 and 57-15.52.1 of the North Dakota Century Code, relating to the school district levy for purchasing, operating, and maintaining school buses.

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 ayes, 93; nays, 2; absent and not voting, 5.

REGULAR SESSION									1981 LEGISLATURE								
NORTH DAKOTA HOUSE OF REPRESENTATIVES									NORTH DAKOTA HOUSE OF REPRESENTATIVES								
ROLL-CALL									ROLL-CALL								
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS			
● ANDERSON, C. #7			● HOFFNER			● METZ		●	● THOMPSON								
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM								
● BACKES			● HOUWANN			● MOORE			● UNHJEM								
● BERG		●	● HUGHES		●	● MOUM			● VANDER VORST								
● BERGER			● HUWE			● MURPHY		●	● VIG								
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER								
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD								
● BROKAW			● KELLY			● NICHOLAS			● WENTZ								
● CONNY			● KENT			● OLAFSON			● WHALEN								
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN								
● DICK			● KLOUBEC			● OLSON, A. #11											
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER								
● DOTZENROD			● KOLAND			● OPEDAHL											
● DUBORD			● KOSKI			● PELTIER											
● EAGLES			● KRETSCHMAR			● PETERSON											
● FREBORG			● KUCHERA			● POMEROY, E. #24											
● GATES			● LANG			● POMEROY, G. #42											
● GERL			● LARSON, B. #72			● REED											
● GOETZ			● LARSON, G. #79			● REITEN											
● GORDER			● LARSON, H. #7			● RETZER											
● GUNDERSON			● LIPSIEA			● RICE											
● GUNSCHE			● MARDEN			● RICHARD											
● HANSON, I. #48			● MARTIN			● RICHIE											
● HANSON, #1			● MARTINSON			● RIED											
● HAUGLAND			● MATCHIE			● RUES											
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER											
● HAUSAUER, R. #25			● MATTSOON			● SOLBERG											
● HEDSTROM			● MEIERS			● SORUM											
● HEIGAARD			● MELBY			● STRINDEN											
● HILL			● MERTENS			● SWIONTEK											

So the bill passed and the title was agreed to.

Senate Bill No. 2106. — A Bill for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the participation of political subdivisions in the uniform group insurance program and to the amount a governing body may provide for the monthly premium; to amend and reenact subsections 1 and 7 of section 54-52.1-01 of the North Dakota Century Code, relating to the definitions of "eligible employee" and "department, board, or agency".

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 84; nays, 10; absent and not voting, 6.

REGULAR SESSION									1981 LEGISLATURE								
NORTH DAKOTA HOUSE OF REPRESENTATIVES									NORTH DAKOTA HOUSE OF REPRESENTATIVES								
ROLL-CALL									ROLL-CALL								
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS			
● ANDERSON, C. #7			● HOFFNER			● METZ		●	● THOMPSON								
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM								
● BACKES			● HOUWANN			● MOORE			● UNHJEM								
● BERG			● HUGHES		●	● MOUM			● VANDER VORST								
● BERGER			● HUWE			● MURPHY		●	● VIG								
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER								
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD								
● BROKAW		●	● KELLY			● NICHOLAS			● WENTZ								
● CONNY			● KENT			● OLAFSON		●	● WHALEN								
● CRABTREE		●	● KINGSBURY			● OLSEN			● ZIMBLEMAN		●						
● DICK			● KLOUBEC			● OLSON, A. #11		●									
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER								
● DOTZENROD			● KOLAND			● OPEDAHL											
● DUBORD			● KOSKI			● PELTIER											
● EAGLES			● KRETSCHMAR			● PETERSON											
● FREBORG			● KUCHERA			● POMEROY, E. #24											
● GATES			● LANG			● POMEROY, G. #42											
● GERL			● LARSON, B. #72			● REED											
● GOETZ			● LARSON, G. #79			● REITEN											
● GORDER			● LARSON, H. #7			● RETZER											
● GUNDERSON			● LIPSIEA			● RICE											
● GUNSCHE		●	● MARDEN			● RICHARD											



• BROKAW	• KELLY	• NICHOLAS	• WENTZ
• CONMY	• KENT	• OLAFSON	• WHALEN
• CRABTREE	• KINGSBURY	• OLSEN	• ZIMBLEMAN
• DICK	• KLOUBEC	• OLSON, A. #11	
• DIETZ	• KNUDSON	• OLSON, D. #13	• MR. SPEAKER
• DOTZENROD	• KOLAND	• OPEDAHL	
• DUBORD	• KOSKI	• PELTIER	
• EAGLES	• KRETSCHMAR	• PETERSON	
• FREBORG	• KUCHERA	• POMEROY, E. #24	
• GATES	• LANG	• POMEROY, G. #42	
• GERL	• LARSON, B. #72	• REED	
• GOETZ	• LARSON, G. #29	• REITEN	
• GORDER	• LARSON, H. #7	• RETZER	
• GUNDERSON	• LIPSIEA	• RICE	
• GUNSCH	• WARSDEN	• RICHARD	
• HANSON, L. #48	• MARTIN	• RICHIE	
• HANSON, O. #3	• MARTINSON	• RIEHL	
• HAUGLAND	• MATCHIE	• RUED	
• HAUSAUER, A. #19	• MATHENY	• SCHINDLER	
• HAUSAUER, R. #25	• MATTSON	• SOLBERG	
• HEDSTROM	• MEIERS	• SORUM	
• HEIGAARD	• MELBY	• STRINDEN	
• HILL	• MERTENS	• SWIONTEK	

So the bill passed and the title was agreed to.

**Senate Bill No. 2168.** — A Bill for an Act to amend and reenact section 49-10.1-01 of the North Dakota Century Code, relating to public service commission jurisdiction over the intrastate regulation of railroads.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 94; nays, 0; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL				1981 LEGISLATURE				
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #1			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MURPHY			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL			• LARSON, B. #72			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• WARSDEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #19			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWIONTEK					

So the bill passed and the title was agreed to.

**MOTION**

Rep. Kretschmar moved that the House waive the reading of the title to Senate Bill No. 2201, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2201.** — A Bill for an Act to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to exemption of executive directors and medical directors of mental health and retardation service units and human service centers from the state central personnel system; and to amend and reenact sections 25-10-05, 54-40-09, 54-42-06 and 54-44.3-19, relating to mental

health and retardation service units, human service centers, agencies subject to the merit system, and state personnel board authority to provide service to cities and political subdivisions.

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 ayes, 88; nays, 5; absent and not voting, 7.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUDEMAN			● MOORE			● UNHJEH		
● BERG			● HUGHES			● MOUN			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK		●	● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		
● CONNY			● KENT			● OLAFSON			● WHALEN		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEHAL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBORG	●		● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #77			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUCO					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTON			● SOLBERG					
● HEDSTROM			● MEIERS		●	● SORUM	●				
● HEIGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS	●		● SWIONTEK					

So the bill passed and the title was agreed to.

### SIGNING OF BILLS AND RESOLUTIONS

The Chief Clerk announced that the Speaker signed the following:

House Bill No. 1118  
 House Bill No. 1158  
 House Bill No. 1203  
 House Bill No. 1263  
 House Bill No. 1415  
 House Bill No. 1453  
 House Bill No. 1457  
 House Bill No. 1506  
 House Bill No. 1519  
 House Bill No. 1551  
 House Bill No. 1559

ROY GILBREATH, Chief Clerk

### MESSAGES TO THE SENATE

House Chamber

Mr. President: I have the honor to transmit herewith the following:

House Bill No. 1118  
 House Bill No. 1158  
 House Bill No. 1203  
 House Bill No. 1263  
 House Bill No. 1415  
 House Bill No. 1453  
 House Bill No. 1457  
 House Bill No. 1506



House Bill No. 1519

House Bill No. 1551

House Bill No. 1559

Which the Speaker has signed and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to return herewith the following, which the House has amended:

Senate Bill No. 2070

Senate Bill No. 2127

Senate Bill No. 2158

Senate Bill No. 2375

Senate Bill No. 2383

Senate Bill No. 2418

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Bill No. 2099

Senate Bill No. 2100

Senate Bill No. 2103

Senate Bill No. 2143

Senate Bill No. 2159

Senate Bill No. 2238

Senate Bill No. 2241

Senate Bill No. 2330

Senate Concurrent Resolution No. 4060

Senate Concurrent Resolution No. 4063

Senate Concurrent Resolution No. 4070

Senate Concurrent Resolution No. 4076

Senate Concurrent Resolution No. 4077

Senate Concurrent Resolution No. 4079

Senate Concurrent Resolution No. 4080

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS AND RESOLUTIONS

The Chief Clerk announced that the Speaker signed the following:

Senate Bill No. 2071

Senate Bill No. 2077

Senate Bill No. 2082

Senate Bill No. 2125

Senate Bill No. 2128

Senate Bill No. 2134

Senate Bill No. 2155

Senate Bill No. 2178

Senate Bill No. 2183

Senate Bill No. 2199

Senate Bill No. 2221

Senate Bill No. 2222

Senate Bill No. 2315

Senate Bill No. 2324

Senate Bill No. 2331

Senate Bill No. 2340

ROY GILBREATH, Chief Clerk  
MESSAGE TO THE SENATE  
House Chamber

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 2071  
 Senate Bill No. 2077  
 Senate Bill No. 2082  
 Senate Bill No. 2125  
 Senate Bill No. 2128  
 Senate Bill No. 2134  
 Senate Bill No. 2155  
 Senate Bill No. 2178  
 Senate Bill No. 2183  
 Senate Bill No. 2199  
 Senate Bill No. 2221  
 Senate Bill No. 2222  
 Senate Bill No. 2315  
 Senate Bill No. 2324  
 Senate Bill No. 2331  
 Senate Bill No. 2340

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

MESSAGES FROM THE SENATE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has failed to pass:

House Bill No. 1218  
 House Bill No. 1322  
 House Bill No. 1363  
 House Bill No. 1528  
 House Concurrent Resolution No. 3010  
 House Concurrent Resolution No. 3025  
 Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has passed unchanged:

House Bill No. 1112  
 House Bill No. 1153  
 House Bill No. 1251  
 House Bill No. 1301  
 House Bill No. 1438  
 House Bill No. 1472  
 House Bill No. 1496  
 House Concurrent Resolution No. 3008  
 Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Bill No. 1095  
 House Bill No. 1231  
 House Bill No. 1304  
 House Bill No. 1411  
 House Bill No. 1545  
 House Bill No. 1563  
 House Bill No. 1568  
 House Concurrent Resolution No. 3039  
 Very Respectfully,

LEO LEIDHOLM, Secretary

## SENATE AMENDMENTS TO HOUSE BILL NO. 1095

On page 4 of the engrossed bill, line 17, delete the words "fifty percent of any" and insert in lieu thereof the word "all"

On page 4 of the engrossed bill, line 19, delete the comma and words ", up to a maximum of fifty thousand dollars"

On page 4 of the engrossed bill, line 25, delete the words "Fifty percent of any" and insert in lieu thereof the word "All"

and renumber the lines accordingly.

## SENATE AMENDMENTS TO HOUSE BILL NO. 1231

On page 3 of the engrossed bill, after line 9, insert the following new subsection:

"3. A petition for recall must include, before the signature lines, the name of the person being recalled, the office from which that person is being recalled, and a brief statement of the rationale for the recall."

On page 3 of the engrossed bill, line 10, delete the numeral "3" and insert in lieu thereof the numeral "4"

And renumber lines and pages accordingly

## SENATE AMENDMENTS TO HOUSE BILL NO. 1304

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to establish a certified addiction counselor-client privilege for confidential communications."

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

## SECTION 1. DEFINITIONS. As used in this Act:

1. "Client" means a person who consults or is examined or interviewed by a counselor.
2. "Confidential communication" means a communication which is not intended to be disclosed to third parties, except persons present to further the interest of the client in the consultation, examination, or interview, persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the counselor, including members of the client's family.
3. "Counselor" means an addiction counselor who has been certified by the professional standards and certification committee appointed by the state health officer in accordance with qualifications established by that committee or who is reasonably believed by the client so to be, while engaged in the diagnosis or treatment of a physical, mental, or emotional condition, including alcohol or any addiction.
4. "Privilege" means the counselor-client privilege authorized under sections 1 through 4 of this Act.

SECTION 2. CERTIFIED ADDICTION COUNSELOR - CLIENT GENERAL RULE OF PRIVILEGE. A client has a privilege to

## JOURNAL OF THE HOUSE

refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of the client's physical, mental, or emotional condition, including alcohol or drug addiction, among the client, the client's counselor, and persons who are participating in the diagnosis or treatment under the direction of the counselor, including members of the client's family.

SECTION 3. WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the client, the client's guardian or conservator, or the personal representative of a deceased client. The person who was the counselor at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the client.

## SECTION 4. EXCEPTIONS TO THE PRIVILEGE.

1. There is no privilege under this Act for communications relevant to an issue in proceedings to hospitalize the client for mental illness, including alcohol or drug addiction, if the counselor in the course of diagnosis or treatment has determined the client is in need of hospitalization.
2. If the court orders an examination of the physical, mental, or emotional condition of a client, whether a party or a witness, communications made in the course thereof are not privileged under this Act with respect to the particular purpose for which the examination is ordered unless the court orders otherwise.
3. There is no privilege under this Act as to a communication relevant to an issue of the physical, mental, or emotional condition of the client in any proceeding in which the client relies on a condition as an element of the client's claim or defense or, after the client's death, in any proceeding in which any party relies upon the condition as an element of the party's claim or defense."

And renumber the lines and pages accordingly

## SENATE AMENDMENTS TO HOUSE BILL NO. 1411

On page 3, line 11, after the word "least" delete the word "two" and insert in lieu thereof the word "three"

On page 3, line 13, delete the numeral "2" and insert in lieu thereof the numeral "3"

On page 3, line 14, after the word "least" delete the word "two" and insert in lieu thereof the word "three"

On page 3, line 17, after the word "subsection" delete the numeral "2" and insert in lieu thereof the numeral "3"

On page 3, line 21, after the word "do" delete the word "either" and insert ~~in~~ in lieu thereof the word "any"

On page 3, after line 26, insert the following subsection:

- "2. Return the list of nominees and direct the committee to reconvene."

and renumber the lines, subsections and pages accordingly

In addition to the amendments to House Bill No. 1411 adopted by the Senate on the sixth order of business on March 4, 1981, House Bill

No. 1411 shall be amended as follows:

On page 3 of the printed bill, line 5, delete the word "two" and insert in lieu thereof the word "three"

And renumber the lines accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1545

On page 2 of the engrossed bill, line 16, delete the word "the" and insert the words, "reimbursement for meals at a rate not to exceed two times the regular out-of-state meal allowance."

On page 2 of the engrossed bill, delete line 17

On page 2 of the engrossed bill, delete line 18

And renumber the lines accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1563

On page 1 of the engrossed bill, line 23 after the period, delete the words, "The committee shall develop a master plan for the"

On page 1 of the engrossed bill, delete lines 24, 25, 26, 27, and 28

On page 2 of the engrossed bill, line 1, delete the words, "section 48-10-01."

On page 1 of the engrossed bill, line 8, delete the word "nine" and insert in lieu thereof the word "seven"

On page 1 of the engrossed bill, line 11, delete the words and comma "one licensed architect,"

On page 1 of the engrossed bill, line 12, delete the words "one interior"

On page 1 of the engrossed bill, line 13, delete the word and comma "decorator,"

On page 1 of the engrossed bill, line 21, delete the last word "and"

On page 1 of the engrossed bill, line 22, delete the word "exterior" and delete the words "and facilities"

On page 2 of the engrossed bill, line 1, delete the words "least twice" and insert in lieu thereof the words "the call of the chairman"

On page 2 of the engrossed bill, line 2, delete the words "during each fiscal year", after the word "whenever" insert the words "major interior", and delete the comma

On page 2 of the engrossed bill, line 3, delete the words "including new construction, remodeling, or renovation"

On page 2 of the engrossed bill, line 4, delete the words "or facilities"

On page 2 of the engrossed bill, line 5, delete the words "The committee shall also be consulted"

On page 2 of the engrossed bill, delete lines 6 through 8

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1568

On page 1, line 20, overstrike the words, "and which are not"

On page 1, line 21, overstrike the line

On page 1, line 22 overstrike the word "service" and the comma

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3039

On page 1, line 24, after the word, "the" insert the word  
"research and"

And renumber the lines accordingly

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1121  
House Bill No. 1129  
House Bill No. 1130  
House Bill No. 1138  
House Bill No. 1172  
House Bill No. 1186  
House Bill No. 1193  
House Bill No. 1253  
House Bill No. 1274  
House Bill No. 1303  
House Bill No. 1333  
House Bill No. 1338  
House Bill No. 1372  
House Bill No. 1390  
House Bill No. 1402  
House Bill No. 1476  
House Bill No. 1478  
House Bill No. 1479  
House Bill No. 1505  
House Bill No. 1547  
House Bill No. 1550  
House Bill No. 1612  
House Bill No. 1631  
House Concurrent Resolution No. 3017  
House Concurrent Resolution No. 3027  
House Concurrent Resolution No. 3028  
House Concurrent Resolution No. 3043  
Which the President has signed.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1118  
House Bill No. 1158  
House Bill No. 1203  
House Bill No. 1263  
House Bill No. 1415  
House Bill No. 1453  
House Bill No. 1457  
House Bill No. 1506  
House Bill No. 1519  
House Bill No. 1551  
House Bill No. 1559  
Which the President has signed.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:  
Senate Bill No. 2073

Senate Bill No. 2115  
 Senate Bill No. 2123  
 Senate Bill No. 2138  
 Senate Bill No. 2173  
 Senate Bill No. 2225  
 Senate Bill No. 2229  
 Senate Bill No. 2264  
 Senate Bill No. 2266  
 Senate Bill No. 2292  
 Senate Bill No. 2335  
 Senate Bill No. 2384  
 Senate Bill No. 2387  
 Senate Bill No. 2388  
 Senate Bill No. 2408  
 Senate Concurrent Resolution No. 4009  
 Senate Concurrent Resolution No. 4034  
 Senate Concurrent Resolution No. 4045  
 Senate Concurrent Resolution No. 4054

Which the President has signed and your signature is respectfully requested.

LEOLEIDHOLM, Secretary

MESSAGE TO THE SENATE

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to:

House Bill No. 1267

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

House Bill No. 1267

House Bill No. 1267

Reps.

Metz

O. Hanson

I. Jacobson

Very respectfully,

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:

House Bill No. 1113

House Bill No. 1580

and subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Rep. Timm moved that the House reconsider its action whereby the Committee Report on Senate Bill No. 2213 was accepted, which motion prevailed.

Rep. Timm moved that Senate Bill No. 2213 be returned to the Committee on Transportation, which motion prevailed.

ANNOUNCEMENT

Speaker Peterson announced that Senate Bill No. 2213 was rereferred to the Committee on Transportation.

SECOND READING OF SENATE BILLS

**Senate Bill No. 2227.** — A Bill for an Act to create and enact a new section to chapter 49-09 of the North Dakota Century Code, relating to abandoned railway lines and the removal of abandoned materials.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 93; nays, 1; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUWMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		
● CONMY			● KENT			● OLAFSON			● WHALEN		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBERG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCHE			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, #2			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSON			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEIGAARD			● MELBY			● STRINDEEN					
● HILL			● MERTENS			● SWINTEK					

So the bill passed and the title was agreed to.

**Senate Bill No. 2287.** — A Bill for an Act to amend and reenact subsection 5 of section 38-14.1-02 and sections 38-14.1-14 and 38-14.1-15 of the North Dakota Century Code, relating to the definition of extended mining plan, permit application requirements for mining and reclamation requirements, and requirements for the extended mining plan.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 78; nays, 16; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUWMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		
● CONMY			● KENT			● OLAFSON			● WHALEN		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBERG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCHE			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, #2			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSON			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					





• GUNSCH	• MARDEN	• RICHARD
• HANSON, L. #48	• MARTIN	• RICHIE
• HANSON, O. #2	• MARTINSON	• RIEHL
• HAUGLAND	• MATCHE	• RUED
• HAUSAUER, A. #49	• MATHENY	• SCHINDLER
• HAUSAUER, R. #25	• MATTSOON	• SOLBERG
• HEDSTROM	• MEIERS	• SORUM
• HEIGAARD	• MELBY	• STRINDEN
• HILL	• MERTENS	• SWIONTEK

So the bill passed and the title was agreed to.

**Senate Bill No. 2309.** — A Bill for an Act to create and enact a new subsection to section 38-14.1-02 and a new subsection to section 38-14.1-03 of the North Dakota Century Code, relating to definitions and powers and duties of the public service commission for surface coal mining and reclamation operations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 93; nays, 2; absent and not voting, 5.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES		•	• MOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIS		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					
• DuBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA		•	• POWEROY, E. #74					
• GATES			• LANG			• POWEROY, G. #42					
• GERL			• LARSON, B. #72			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• MARDEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #2			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHE			• RUED					
• HAUSAUER, A. #49			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSOON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWIONTEK					

So the bill passed and the title was agreed to.

**Senate Bill No. 2326.** — A Bill for an Act to amend and reenact section 40-55-09 and subsection 3 of section 57-15-12 of the North Dakota Century Code, relating to the number of mills which may be approved by the voters of a municipality, school district, or park district for a public recreation system or a park district.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 77; nays, 19; absent and not voting, 4.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ		•	• THOMPSON		•
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN		•	• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY		•	• VIS		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL		•	• WALD		
• BROKAW		•	• KELLY			• NICHOLAS			• WENTZ		

• CONNY	• KENT	• OLAFSON	• WHALEN
• CRABTREE	• KINGSBURY	• OLSEN	• ZIMBLEMAN
• DICK	• KLOUBEK	• OLSON, A. #11	
• DIETZ	• KNUDSON	• OLSON, D. #13	• MR. SPEAKER
• DOTZENROD	• KOLAND	• OPEDAHL	
• DUBORD	• KOSKI	• PELTIER	
• EAGLES	• KRETSCHMAR	• PETERSON	
• FREBORG	• KUCHERA	• POMEROY, E. #24	
• GATES	• LANG	• POMEROY, G. #42	
• GERL	• LARSON, B. #12	• REED	
• GOETZ	• LARSON, G. #29	• REITEN	
• GORDER	• LARSON, H. #7	• RETZER	
• GUNDERSON	• LIPSIEA	• RICE	
• GUNSC	• MARSDEN	• RICHARD	
• HANSON, L. #48	• MARTIN	• RICHIE	
• HANSON, O. #3	• MARTINSON	• RIEHL	
• HAUGLAND	• MATCHIE	• RUED	
• HAUSAUER, A. #49	• MATHENY	• SCHINDLER	
• HAUSAUER, R. #25	• MATTSON	• SOLBERG	
• HEDSTROM	• MEIERS	• SORUM	
• HEIGAARD	• MELBY	• STRINDEN	
• HILL	• MERTENS	• SWIONTEK	

So the bill passed and the title was agreed to.

**INTRODUCTION**

Rep. Strinden introduced Dr. Clifford J. Klein, Valley City, North Dakota, President of the North Dakota Medical Association, who is in charge of the Doctor of the Day Program for the 47th Legislative Assembly.

**Senate Bill No. 2345.** — A Bill for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to the recovery from the estates of medical assistance recipients.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 85; nays, 9; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION				ROLL CALL				1981 LEGISLATURE			
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• WETZ			• THOMPSON		
• ANDERSON, R. #38			• HORGAN			• WEYER			• TIMM		
• BACKES			• HOUMANN			• WOODRE			• UNHEM		
• BERG			• HUGHES			• NOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONNY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEK			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSC			• MARSDEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #49			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWIONTEK					

So the bill passed and the title was agreed to.

**MOTION**

Rep. Kretschmar moved that the House waive the reading of the title to Senate Bill No. 2349, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2349.** — A Bill for an Act to amend and reenact section 43-01-02, subsection 1 of section 43-02.1-02, subsection 1 of section 43-02.1-03, subsection 1 of section 43-02.1-04, subsection 1 of

section 43-02.1-05, section 43-09-02, subsection 8 of section 43-11-16, section 43-12.1-05, subsection 11 of section 43-17-31, subsection 2 of section 43-23-08, sections 43-25-07, 43-26-04, 43-28-04, 43-28-11, 43-28-18, 43-29-02, 43-30-05, 43-31-07, 43-32-02, 43-32-18, 43-32-20, 43-34-02, 43-35-03, 43-36-02, and subsection 2 of section 43-37-05 of the North Dakota Century Code, relating to occupations, the licensing thereof, restrictions on competition therein, and gubernatorial appointments to regulatory boards and commissions; and to repeal sections 43-11-36 and 43-13-29 of the North Dakota Century Code, relating to setting of fees and prohibition on advertising.

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 ayes, 89; nays, 5; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES	•		• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUM			• VANDER VORST		
• BERGER		•	• HUWE			• MURPHY		•	• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		
• BROKAW			• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON		•	• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA			• POWEROY, E. #24					
• GATES			• LANG			• POWEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• MARSDEN			• RICHARD					
• HANSON, L. #48		•	• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED		•			
• HAUSAUER, A. #49			• MATHEHY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSOEN			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEGGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWONTEK					

So the bill passed and the title was agreed to.

**Senate Bill No. 2369.** — A Bill for an Act to repeal section 14-09-09.5 of the North Dakota Century Code, relating to payment of child support as a lien upon real property of the obligor.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 85; nays, 9; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ		•	• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES	•		• HOUMANN			• MOORE			• UNHJEM		
• BERG		•	• HUGHES		•	• MOUM			• VANDER VORST		•
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		•
• BROKAW		•	• KELLY			• NICHOLAS			• WENTZ		
• CONMY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAHL					

• DUBORD	• KOSKI	• PELTIER
• EAGLES	• KRETSCHMAR	• PETERSON
• FREBORG	• KUCHERA	• POMEROY, E. #24
• GATES	• LANG	• POMEROY, G. #42
• GERL	• LARSON, B. #12	• REED
• GOETZ	• LARSON, G. #29	• REITEN
• GORDER	• LARSON, H. #7	• RETZER
• GUNDERSON	• LIPSIEA	• RICE
• GUNSCH	• MARSDEN	• RICHARD
• HANSON, L. #48	• MARTIN	• RICHIE
• HANSON, O. #3	• MARTINSON	• RIEHL
• HAUGLAND	• MATCHIE	• RUED
• HAUSAUER, A. #49	• MATHEWY	• SCHINDLER
• HAUSAUER, R. #25	• MATTSON	• SOLBERG
• HEDSTROM	• MEIERS	• SORUM
• HEIGAARD	• MELBY	• STRINDEN
• HILL	• MERTENS	• SWIONTEK

So the bill passed and the title was agreed to.

**Senate Bill No. 2371.** — A Bill for an Act to amend and reenact section 4-34-01, 4-34-07, and 4-34-08 of the North Dakota Century Code, relating to purposes of the North Dakota Beef Promotion Act, compensation of North Dakota beef commission members, and assessment for the sale of cattle.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 80; nays, 13; absent and not voting, 7.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER		•	• METZ			• THOMPSON		
• ANDERSON, R. #34			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG		•	• HUGHES			• MOUN			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WALD		•
• BROKAW		•	• KELLY			• NICHOLAS			• WENTZ		
• CONNY			• KENT			• OLAFSON			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOMBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• OPEDAH					
• DUBORD			• KOSKI		•	• PELTIER					
• EAGLES			• KRETSCHMAR		•	• PETERSON					
• FREBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL		•	• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN		•			
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA		•	• RICE					
• GUNSCH			• MARSDEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #49			• MATHEWY			• SCHINDLER		•			
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS		•	• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS		•	• SWIONTEK					

So the bill passed and the title was agreed to.

**Senate Bill No. 2429.** — A Bill for an Act to create and enact two new sections to chapter 28-22 of the North Dakota Century Code, relating to the availability of federal bankruptcy exemptions.

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 ayes, 85; nays, 10; absent and not voting, 5.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #34			• HORGAN			• MEYER			• TIMM		

• BACKES	• MOUMANN	• MOORE	• UNHJEM
• BERG	• HUGHES	• MOUM	• VANDER VORST
• BERGER	• HUWE	• MURPHY	• VIG
• BLACK	• JACOBSEN, R.	• MUSHIK	• WAGNER
• BOYUM	• JACOBSON, I.	• NAGEL	• WALD
• BROKAW	• KELLY	• NICHOLAS	• WENTZ
• CONMY	• KENT	• OLAFSON	• WHALEN
• CRABTREE	• KINGSBURY	• OLSEN	• ZIMBLEMAN
• DICK	• KLOUBEC	• OLSON, A. #11	
• DIETZ	• KNUDSON	• OLSON, D. #13	• MR. SPEAKER
• DOTZENROD	• KOLAND	• OPEDAHL	
• DUBORD	• KOSKI	• PELTIER	
• EAGLES	• KRETSCHMAR	• PETERSON	
• FREBORG	• KUCHERA	• POMEROY, E. #24	
• GATES	• LANG	• POMEROY, G. #42	
• GERL	• LARSON, B. #12	• REED	
• GOETZ	• LARSON, G. #29	• REITEN	
• GORDER	• LARSON, H. #7	• RETZER	
• GUNDERSON	• LIPSIEA	• RICE	
• GUNSCHE	• MARSDEN	• RICHARD	
• HANSON, L. #48	• MARTIN	• RICHIE	
• HANSON, O. #3	• MARTINSON	• RIEHL	
• HAUGLAND	• MATCHIE	• RUED	
• HAUSAUER, A. #9	• MATHENY	• SCHINDLER	
• HAUSAUER, R. #25	• MATTSON	• SOLBERG	
• HEDSTROM	• MEIERS	• SORUM	
• HEIGAARD	• MELBY	• STRINDEN	
• HILL	• MERTENS	• SWIONTEK	

So the bill passed and the title was agreed to.

SECOND READING OF  
SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4023.** — A concurrent resolution directing the Legislative Council to study the immediate and future availability of the financial resources needed for the construction, reconstruction, repair and maintenance of the various roads, streets and highways of the state.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 89; nays, 5; absent and not voting, 6.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• MORGAN			• MEYER			• TIMM		
• BACKES			• MOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MURPHY			• VANDER VORST		
• BERGER			• HUWE			• MUSHIK			• VIG		
• BLACK			• JACOBSEN, R.			• NAGEL			• WAGNER		
• BOYUM			• JACOBSON, I.			• NICHOLAS			• WALD		
• BROKAW			• KELLY			• OLAFSON			• WENTZ		
• CONMY			• KENT			• OLSEN			• WHALEN		
• CRABTREE			• KINGSBURY			• OLSON, A. #11			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, D. #13					
• DIETZ			• KNUDSON			• OPEDAHL			• MR. SPEAKER		
• DOTZENROD			• KOLAND			• PELTIER					
• DUBORD			• KOSKI			• PETERSON					
• EAGLES			• KRETSCHMAR			• POMEROY, E. #24					
• FREBORG			• KUCHERA			• POMEROY, G. #42					
• GATES			• LANG			• REED					
• GERL			• LARSON, B. #12			• REITEN					
• GOETZ			• LARSON, G. #29			• RETZER					
• GORDER			• LARSON, H. #7			• RICE					
• GUNDERSON			• LIPSIEA			• RICHARD					
• GUNSCHE			• MARSDEN			• RICHIE					
• HANSON, L. #48			• MARTIN			• RIEHL					
• HANSON, O. #3			• MARTINSON			• RUED					
• HAUGLAND			• MATCHIE			• SCHINDLER					
• HAUSAUER, A. #9			• MATHENY			• SOLBERG					
• HAUSAUER, R. #25			• MATTSON			• SORUM					
• HEDSTROM			• MEIERS			• STRINDEN					
• HEIGAARD			• MELBY			• SWIONTEK					
• HILL			• MERTENS								

So the Senate Concurrent Resolution No. 4023 was declared adopted.

**Senate Concurrent Resolution No. 4029.** — A concurrent resolution urging Congress to direct and adequately fund the Department of Agriculture to establish a task force to eradicate leafy spurge on all federal lands and a cost-sharing program to eradicate leafy spurge on all nonfederal land.

Was read the second time.

The question being on the final adoption of the resolution, so the Senate Concurrent Resolution No. 4029 was declared adopted on a voice vote.

**Senate Concurrent Resolution No. 4032.** — A concurrent resolution urging the President and Congress to fund and implement immediately the mineral impact loan program authorized under section 317(c) of the Federal Land Policy and Management Act of 1976.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, so the Senate Concurrent Resolution No. 4032 was declared lost on a voice vote.

**Senate Concurrent Resolution No. 4040.** — A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the Pembilier Dam Project.

Was read the second time.

The question being on the final adoption of the resolution, so the Senate Concurrent Resolution No. 4040 was declared adopted on a voice vote.

**Senate Concurrent Resolution No. 4052.** — A concurrent resolution directing the Legislative Council to conduct a study on the need for and availability of public transportation in North Dakota.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 76; nays, 12; absent and not voting, 12.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		●
● ANDERSON, R. #34		●	● HORGAN		●	● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY		●	● VIG		
● BLACK			● JACOBSEN, R.		●	● MURPHY		●	● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALD		●
● BROKAW			● KELLY			● NICHOLAS			● WENTZ		●
● CONNY			● KENT			● OLAFSON			● WHALEN		●
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DuBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHEMAR			● PETERSON					
● FREBORG			● KUCHERA			● POWEROY, E. #24					
● GATES			● LANG			● POWEROY, G. #42					
● GERL			● LARSON, B. #72			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GONDER			● LARSON, H. #7			● RETZER					
● GUNDER			● LISPEA			● RICHARD					
● GUNSCHE		●	● MARSDEN			● RICHIE					
● HANSON, L. #48			● MARTIN			● RIEHL					
● HANSON, O. #3			● MARTINSON			● RIEDL					
● HAUGLAND			● MATHIE			● RIEDL		●			
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTON			● SOLBERG		●			
● HEDSTROM			● MEIERS			● SORUM					
● HEIGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWIONTEK					

So the Senate Concurrent Resolution No. 4052 was declared adopted.

**Senate Concurrent Resolution No. 4061.** — A concurrent resolution directing the Legislative Council to study the feasibility and desirability of making both substantive and nonsubstantive revision of North Dakota Century Code Title 11, relating to counties, and Title 58, relating to townships, and related statutes.





So the Senate Concurrent Resolution No. 4074 was declared adopted.

MOTIONS

Rep. Kretschmar moved that the rules be suspended and that House Concurrent Resolution No. 3080 be introduced, which motion prevailed.

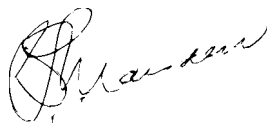
Rep. Kretschmar moved that the rules be suspended, and that House Concurrent Resolution No. 3080 not be referred to Committee, not printed as a bill, printed in the Journal, and read in its entirety and placed on second reading and final passage, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION NO. 3080

Introduced by

Representative Marsden

(Approved by the Committee on Delayed Bills)



A concurrent resolution urging Congress to enact the Omnibus Small Business Capital Formation Act of 1981.

WHEREAS, small businesses constitute 97 percent of all businesses in the United States; and

WHEREAS, small business is responsible for over seven million new jobs created in the past 10 years; and

WHEREAS, the entrepreneurial spirit of American small business serves as an example in capital formation to the rest of the world; and

WHEREAS, small business in this country is at a comparative disadvantage in relation to larger enterprises in retaining and having access to capital; and

WHEREAS, this disadvantage is exacerbated by a highly discriminatory national tax policy and a deteriorating economic situation;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Forty-seventh Legislative Assembly urges the United States Congress to enact the Omnibus Small Business Capital Formation Act of 1981; and

BE IT FURTHER RESOLVED, that copies of this resolution be

forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation.

**SECOND READING OF  
HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3080.** — A concurrent resolution urging Congress to enact the Omnibus Small Business Capital Formation Act of 1981.

Was read the second time.

The question being on the final adoption of the resolution, so the House Concurrent Resolution was declared adopted on a voice vote.

**MOTION**

Rep. Nicholas moved that the House do concur in the Senate amendments to House Bill No. 1392, which motion prevailed.

**SIGNING OF BILLS**

The Honorable James Peterson

Speaker of the House

House Chambers

Bismarck, North Dakota 58505

Dear Mr. Speaker:

This is to inform you that on March 9, 1981, I signed the following House Bills:

House Bill: 1035

House Bill: 1314

House Bill: 1174

House Bill: 1378

House Bill: 1209

House Bill: 1494

House Bill: 1224

House Bill: 1510

House Bill: 1295

House Bill: 1616

Sincerely,  
ALLEN I. OLSON  
Governor

**APPOINTMENT OF A CONFERENCE COMMITTEE**

Speaker Peterson announced the following appointments to a Conference Committee on Senate Bill No. 2237:

Rep. Wentz

Rep. Moore

Rep. Kelly

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

HCR 3017

HCR 3028

HCR 3027

HCR 3043

were delivered to the ~~Secretary of State~~ <sup>Governor</sup> for his approval at the hour of

12:04

o'clock

P.M.

March 9, 1981

*Craig M. Richie*  
Rep. Craig Richie

Chairman.

MONDAY, MARCH 9, 1981

1559

The committee on Enrollment and Engrossment respectfully reports that:

House Bill 1121 House Bill 1478

House Bill 1129 House Bill 1479

House Bill 1130 House Bill 1505

House Bill 1138 House Bill 1547

House Bill 1172 House Bill 1550

House Bill 1186 House Bill 1612

House Bill 1193 House Bill 1631

House Bill 1253

House Bill 1274

House Bill 1303

House Bill 1333

House Bill 1338

House Bill 1372

House Bill 1390

House Bill 1402


House Bill 1476

were delivered to the 

{	Governor
	<del>Secretary of State</del>

 for his approval at the hour of

12:07 o'clock P.M., March 9, 1981

  
Rep. Craig Richie Chairman

### REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

H.B. No. 1118

H.B. No. 1158

H.B. No. 1203

H.B. No. 1263

H.B. No. 1415

H.B. No. 1453

- ..... H.B. No. 1457 .....
- ..... H.B. No. 1506 .....
- ..... H.B. No. 1519 .....
- ..... H.B. No. 1551 .....
- ..... H.B. No. 1559 .....

..... were delivered to the Governor ~~Speaker~~ for his approval at the hour of

..... 4:00 o'clock P.M., March 9, 1981 .....

*Craig M. Richie*  
Rep. Craig Richie Chairman.

**MOTIONS**

Rep. Strinden moved that the absent members be excused, which motion prevailed.

Rep. Strinden moved that the House be on the fifth order of business, and at the conclusion of the fifth order of business, that the House stand adjourned until 1:30 p.m., Tuesday, March 10, 1981, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on JOINT CONSTITUTIONAL REVISION  
to whom was referred HOUSE CONCURRENT RESOLUTION

No. 3005, has had the same under consideration and recommends, by a vote of  
Ayes, 10; Nays, 0; Absent, 0, that the same

- do pass.       do not pass.       be placed on calendar  
without recommendation.  
 be amended as follows:

On page 1, line 1, after the words "A concurrent resolution" delete the remainder of the resolution and insert in lieu thereof the following: "to create and enact a new section to the Constitution of the State of North Dakota, relating to special sessions of the legislative assembly; and to amend and reenact sections 23 and 41 of article IV and section 5 of article V of the Constitution of the State of North Dakota, relating to the maximum duration of legislative sessions, effective dates of legislative acts, and the powers of the governor."

STATEMENT OF INTENT

This amendment would allow the governor to limit the purpose and length of any special session of the legislature called by the governor. The legislative assembly would also be allowed to call itself into special session if requested in writing by two-thirds of the members of each house. Finally, the amendment specifies when a measure passed by the legislative assembly becomes law.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed creation of a new section to the Constitution of the State of North Dakota and the proposed amendments of sections 23 and 41 of

article IV and section 5 of article V of the Constitution of the State of North Dakota, are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the primary election to be held in 1982, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. A new section to the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

The legislative assembly shall convene in special session at the call of the governor pursuant to article V, section 5, or upon the written request of two-thirds of the members of each house. Any such request shall designate the date and time at which the special session is to convene and may limit the purpose of the special session. The legislative assembly shall provide by law for the form and place of filing of the written request provided for in this section.

SECTION 2. AMENDMENT. Section 23 of article IV of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 23. Each regular session of the legislative assembly shall not exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly as provided in article IV, section 22, shall not be counted as part of such eighty natural days, nor shall days spent in special session at the call of the governor pursuant to article V, section 5, or the legislative assembly, or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

SECTION 3. AMENDMENT. Section 41 of article IV of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 41. No Act of the legislative assembly shall take effect until July first after the close of the session, unless the legislature by a vote of two-thirds of the members present and voting in each house, shall declare it an emergency measure, which declaration shall be set forth in the Act, provided, however, that no Act granting a franchise or special privilege, or Act creating any vested right or interest other than in the state, shall be declared an emergency measure. An emergency measure shall take effect and be in force from and after its passage and approval by the governor. Every law enacted by the legislative assembly shall take effect on July first after its filing with the secretary of state or ninety days after its filing, whichever comes later, or on a subsequent date if specified in the law unless, by a separate vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure shall take effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted during a special session shall take effect as provided in the Act, or thirty days after the governor approves the Act, or allows it to become law without his signature, if no effective date is provided.

SECTION 4. AMENDMENT. Section 5 of article V of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 5. The governor shall be commander-in-chief of the military and naval forces of the state,

except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislative assembly on ~~extraordinary-occasions~~ in special session and may limit the purpose and duration of any special session so called. He shall at the commencement of each session communicate to the legislative assembly by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislative assembly and shall take care that the laws be faithfully executed."

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

Swiontek Co-Chairman Wenstrom Co-Chairman  
Rep. Swiontek Sen. Wenstrom  
HOUSE CONCURRENT RESOLUTION No. 3005 was placed on the 6th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JOINT CONSTITUTIONAL REVISION  
to whom was referred HOUSE CONCURRENT RESOLUTION

No. 3026, has had the same under consideration and recommends, by a vote of  
Ayes, 6; Nays, 3; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

Rep. Swiontek Co-Chairman Wenstrom Co-Chairman  
Rep. Swiontek Sen. Wenstrom  
HOUSE CONCURRENT RESOLUTION No. 3026 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JOINT CONSTITUTIONAL REVISION  
to whom was referred HOUSE CONCURRENT RESOLUTION

No. 3035, has had the same under consideration and recommends, by a vote of  
Ayes, 8; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.  
 be amended as follows:

On page 1, line 15, delete the word "primary" and insert in lieu thereof the word "general"

And renumber the lines accordingly

And when so amended, recommends the same do pass.

Swiontek Co-Chairman Wenstrom Co-Chairman  
Rep. Swiontek Sen. Wenstrom  
HOUSE CONCURRENT RESOLUTION No. 3035 was placed on the 6th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JOINT CONSTITUTIONAL REVISION  
to whom was referred HOUSE CONCURRENT RESOLUTION

No. 3055, has had the same under consideration and recommends, by a vote of  
Ayes, 9; Nays, 0; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.  
 be amended as follows:

On page 1, after line 5, insert the following:

"STATEMENT OF INTENT

This amendment creates a new article to the constitution providing for a legislative assembly that consists of a senate and house of representatives and establishes terms of office and the number of allowable legislators in each house. Provides for qualifications of legislators, legislative district organization, and reorganization based on one-man one-vote principles, legislative procedures, and restrictions upon legislators serving in other state offices.

The amendment also repeals the present article IV of the Constitution of the State of North Dakota, and provides that these changes will take effect on December 1, 1984."

On page 1, line 12, delete the word "general" and insert in lieu thereof "primary"

On page 1, line 20, delete the word "thirty" and insert in lieu thereof "forty"

On page 1, line 20, delete the word "two" and insert in lieu thereof "four"

On page 1, line 21, delete the word "sixty" and insert in lieu thereof "eighty"

On page 1, line 22, delete the word "four" and insert in lieu thereof "eight"

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

*Swiontek* Co-Chairman *Wenstrom* Co-Chairman  
Rep. Swiontek Sen. Wenstrom  
HOUSE CONCURRENT RESOLUTION No. 3055 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JOINT CONSTITUTIONAL REVISION

to whom was referred HOUSE CONCURRENT RESOLUTION

No. 3069, has had the same under consideration and recommends, by a vote of

Ayes, 8; Nays, 2; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar without recommendation.  
 be amended as follows:

On page 1, after line 5, insert the following:

"STATEMENT OF INTENT

The purpose of this amendment is to require any bonuses paid for mineral leases on state lands held in trust for the common schools or for state institutions to be deposited in the appropriate permanent trust funds."

On page 2, line 18, after the word "of" insert the following:

"coal, gas, oil, or any other"

And renumber the lines and pages accordingly

## JOURNAL OF THE HOUSE

And when so amended, recommends the same do pass ✓

*Swiontek* Co-Chairman *Wenstrom* Co-Chairman  
 Rep. Swiontek Sen. Wenstrom  
 HOUSE CONCURRENT RESOLUTION No. 3069 was placed on the 6th  
 order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on Appropriations to whom was referred SENATE

Bill No. 2021, has had the same under consideration and recommends, by a vote of

Ayes, 16; Nays, 2; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar  
 without recommendation.  
 be amended as follows:

- On page 1 of the engrossed bill, line 16, delete the words "INSURANCE TAX TO FIRE DEPARTMENTS" and insert in lieu thereof the words "INSURANCE COMMISSIONER"
- On page 1 of the engrossed bill, line 17, after the word "claims" insert the hyphen and words " - insurance tax to fire departments"
- On page 1 of the engrossed bill, line 24, delete the words "STATE REVENUE SHARING" and insert in lieu thereof the words "STATE TREASURER"
- On page 1 of the engrossed bill, line 25, after the word "claims" insert the hyphen and words " - state revenue sharing"
- On page 1 of the engrossed bill, line 28, delete the words "HOMESTEAD TAX CREDIT" and insert in lieu thereof the words "TAX COMMISSIONER"
- On page 1 of the engrossed bill, after line 28, insert the following:
- |                                         |           |
|-----------------------------------------|-----------|
| "Grants, benefits and claims - personal | \$147,954 |
| property tax replacement"               |           |
- On page 2 of the engrossed bill, line 1, after the word "claims" insert the hyphen and words " - homestead tax credit", and delete the dollar sign
- On page 2 of the engrossed bill, line 2, delete the numerals "357,555" and insert in lieu thereof the words "505,509"
- On page 2 of the engrossed bill, delete lines 33 through 35 and insert in lieu thereof the following:
- |                                                 |           |
|-------------------------------------------------|-----------|
| "BUSINESS AND INDUSTRIAL DEVELOPMENT DEPARTMENT |           |
| Salaries and wages                              | \$20,554  |
| Total general fund appropriation                | \$20,554" |
- On page 3 of the engrossed bill, after line 18, insert the following lines:
- |                       |                |
|-----------------------|----------------|
| "Total                | \$195,337      |
| Less estimated income | <u>45,000"</u> |
- On page 3 of the engrossed bill, line 19, delete the numerals "195,337" and insert in lieu thereof the numerals "150,337"
- On page 3 of the engrossed bill, after line 22, insert the following lines:
- |                       |                |
|-----------------------|----------------|
| "Total                | \$24,000       |
| Less estimated income | <u>10,619"</u> |
- On page 3 of the engrossed bill, line 23, delete the numerals "24,000" and insert in lieu thereof the numerals "13,381"
- On page 4 of the engrossed bill, line 3, delete the numerals "604,959"



and insert in lieu thereof the numerals "543,135"

On page 4 of the engrossed bill, line 5, delete the numerals "607,031" and insert in lieu thereof the numerals "545,207"

On page 4 of the engrossed bill, line 7, delete the numerals "282,031" and insert in lieu thereof the numerals "220,207"

On page 4 of the engrossed bill, line 20, delete the numerals "2,871" and insert in lieu thereof the numerals "9,121"

On page 4 of the engrossed bill, after line 20, insert the following lines:

"Total	\$81,590
Less estimated income	<u>27,109</u>

On page 4 of the engrossed bill, line 21, delete the numerals "75,340" and insert in lieu thereof the numerals "54,481"

On page 5 of the engrossed bill, line 23, delete the numerals "5,000" and insert in lieu thereof the numerals "15,300"

On page 5 of the engrossed bill, after line 23, insert the following line:

"Governor Link transition	5,000"
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On page 5 of the engrossed bill, line 25, delete the numerals "29,000" and insert in lieu thereof the numerals "44,300"

On page 5 of the engrossed bill, line 35, delete the numerals "6,838,970" and insert in lieu thereof the numerals "6,663,662"

On page 6 of the engrossed bill, line 1, delete the numerals "1,221,743" and insert in lieu thereof the numerals "1,304,471"

On page 6 of the engrossed bill, line 2, delete the numerals "8,060,713" and insert in lieu thereof the numerals "7,968,133"

On page 6 of the engrossed bill, line 15, delete the numerals "345,000" and insert in lieu thereof the numerals "540,337"

On page 6 of the engrossed bill, line 18, after the word "Dakota" and before the period insert the following: "and the \$195,337 appropriated in section 1 of this Act"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Personal Property Tax Replacement

Because of new estimates by the Tax Department, \$147,954 is added for personal property tax replacement.

Board of Higher Education

The \$220,814 appropriation for heating costs at the institutions of higher education is deleted because of revised estimates due to the mild weather this winter.

Business and Industrial Development Department

The amount of \$20,554 is added for salaries for the new director of BIDD for the last six months of the 1979-81 biennium.

School for the Deaf

Estimated income is increased by \$45,000 from interest and income on school lands and the general fund appropriation is reduced by this same amount.

School for the Blind

Estimated income is increased by \$10,619 from interest and income on school lands, and the general fund appropriation is reduced by this same amount.

Grafton State School

The operating expense line item is reduced \$61,824 due to revised estimates of heating costs.


Soldiers' Home

The capital improvements line item is increased by \$6,250 from funds from the Soldiers' Home improvement fund for miscellaneous improvements. The estimated income line item is increased \$27,109 by adding \$20,859 from interest and income on school lands and by adding \$6,250 from the Soldiers' Home improvement fund.

Governor's Office

The fees and services line item is increased \$10,300 for Governor Olson transition costs. Also, \$5,000 is added for former Governor Link transition costs.

Statement of the Purpose of the Amendment:

  
Chairman  
VERNON E. WAGNER

SENATE Bill No. 2021 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on Appropriations to whom was referred SENATE

Bill No. 2038, has had the same under consideration and recommends, by a vote of

Ayes, 18; Nays, 0; Absent, 1, that the same

do pass.       do not pass.       be placed on calendar without recommendation.

be amended as follows:

On page 1 of the engrossed bill, line 1, delete the word "making" and insert in lieu thereof the following: "to create and enact a new subsection to section 65-13-15 of the North Dakota Century Code, relating to placing funds in reserve for the payment of claims; and to make"

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

"SECTION 1. A new subsection to section 65-13-15 of the 1979 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

No funds shall be placed in reserve by the board on any claim."

On page 1 of the engrossed bill, after line 14, insert the following:

"Salaries and wages	\$15,000
Operating expenses	7,634
Equipment	2,000"

On page 1 of the engrossed bill, line 15, delete the following: "\$200,000" and insert in lieu thereof the numerals "215,000"

On page 1 of the engrossed bill, line 16, delete the numerals "200,000" and insert in lieu thereof the numerals "239,634"

On page 1 of the engrossed bill, delete lines 17 through 28

On page 2 of the engrossed bill, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Amounts are added for salaries and wages (\$15,000), operating expenses (\$7,634), and equipment (\$2,000) to provide funds for .4 FTE employees to work with the Crime Victims Reparations Act. The grants line item is increased by \$15,000. The language providing for the discontinuation of the Crime Victims Reparations Act is deleted, and a new subsection provides that no funds shall be placed in reserve by the board (Workmen's Compensation Bureau) on any claim.

Statement of the Purpose of the Amendment:

*Vernon E. Wagner* Chairman

SENATE VERNON E. WAGNER  
Bill No. 2038 was placed on the 6th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred SENATE

Bill No. 2067, has had the same under consideration and recommends, by a vote of

Ayes, 10; Nays, 3; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

*Rep. Conny* Chairman

SENATE Bill No. 2067 was placed on the 14th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on EDUCATION

to whom was referred SENATE

Bill No. 2072, has had the same under consideration and recommends, by a vote of

Ayes, 12; Nays, 3; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

*Rep. Knudson* Chairman

SENATE Bill No. 2072 was placed on the 14th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE

Bill No. 2093, has had the same under consideration and recommends, by a vote of

Ayes, 13; Nays, 0; Absent, 3, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

*Rep. Rued* Chairman

SENATE Bill No. 2093 was placed on the 14th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred SENATE

Bill No. 2096, has had the same under consideration and recommends, by a vote of Ayes, 10; Nays, 3; Absent, 2, that the same

do pass. do not pass. be placed on calendar without recommendation.

[Handwritten signature]

SENATE Bill No. 2096 Rep. Conny Chairman was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR to whom was referred SENATE

Bill No. 2102, has had the same under consideration and recommends, by a vote of Ayes, 13; Nays, 0; Absent, 3, that the same

do pass. do not pass. be placed on calendar without recommendation.

[Handwritten signature]

SENATE Bill No. 2102 Rep. Rued Chairman was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on POLITICAL SUBDIVISIONS to whom was referred SENATE

Bill No. 2118, has had the same under consideration and recommends, by a vote of Ayes, 11; Nays, 0; Absent, 5, that the same

do pass. do not pass. be placed on calendar without recommendation.

be amended as follows:

On page 1, line 24, delete the word "by" and insert in lieu thereof "be"

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

[Handwritten signature]

SENATE Bill No. 2118 Rep. Lang Chairman was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on POLITICAL SUBDIVISIONS to whom was referred SENATE

Bill No. 2122, has had the same under consideration and recommends, by a vote of Ayes, 13; Nays, 0; Absent, 3, that the same

do pass. do not pass. be placed on calendar without recommendation.

be amended as follows:

On page 14, line 9 of the engrossed bill, delete the words "one and one-half", and on the same line overstrike the word "percent" and after the word "exceeding" insert "two percentage points"

On page 18, line 27 of the engrossed bill, overstrike the word "a" and insert in lieu thereof "an annual"

On page 18, line 28 of the engrossed bill, delete the words "one and one-half", and on the same line overstrike the word "percent" and after the word "annually" insert "two percentage points", and after the word "net" insert "annual"

On page 18, line 29 of the engrossed bill, delete the words "the payment of which they are"

On page 18, line 30 of the engrossed bill, delete the word "pledged", and on the same line overstrike the word "on"

On page 18, line 31 of the engrossed bill, overstrike the words "from time to time"

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass.

*Lang* Chairman

SENATE Bill No. 2122 Rep. Lang was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on EDUCATION to whom was referred SENATE

Bill No. 2153, has had the same under consideration and recommends, by a vote of

Ayes, 15; Nays, 1; Absent, 0, that the same

[X] do pass. [ ] do not pass. [ ] be placed on calendar without recommendation.

[X] be amended as follows:

On page 1, line 1 of the engrossed bill, after "to" insert "provide a statement of legislative intent; to" and delete "section" and insert in lieu thereof "sections" and after "15-59-06" insert "and 15-59-08"

On page 1, line 3 of the engrossed bill, after "education" insert "and levy limitations for special education programs; and to provide an appropriation"

On page 1, after line 5 of the engrossed bill, insert the following new section:

"SECTION 1. LEGISLATIVE INTENT - SPECIAL EDUCATION. This statement of legislative intent is provided to define more clearly the relationship between the state, school districts, and parents of handicapped children in the provision of special education and related services. "Related services" means transportation and such developmental and corrective or supportive services required to assist a handicapped child to benefit from special education.

The school administrator or his appointed representative or director of special education other than the child's teacher is responsible for bringing together professionals and parents to share assessment information related to all areas of suspected disability, develop an individualized education program plan for the handicapped student and make recommendations for required special education and related services.

The legislative assembly believes that in order to assure equality of services which are provided for by limited state funds, the department of public instruction will be required to approve a contract for services based on an individualized education program developed for each handicapped student placed in a private school program or in programs outside the student's original special education unit.

The legislative assembly recognizes that a handicapped student whose individualized education program so requires is entitled to an educational program in excess of one hundred eighty days per year if regression caused by an interruption in educational programming, together with a student's limited recoupment capacity, renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of the handicapping condition. All summer programs attended by these students must have approval of the department of public instruction before receiving foundation aid or state special education reimbursement.

In the case of handicapped students who require boarding care away from the family residence in order to receive special education and related services in an approved program, it is the intent of the legislative assembly that the instructional costs and costs of related services, except for boarding care, be borne by state special education funds and school district funds. It is the intent of the legislative assembly that boarding care costs be paid by state social service funds.

"All handicapped children have the right to a free appropriate education" means that all handicapped students have the right to special education and related services which must be provided at no cost to parents. "At no cost" means specifically designed instruction provided without charge but does not preclude expenses normally incurred or charged to parents of nonhandicapped children. Parents will assume such costs for a handicapped child as they would if the child was not handicapped. Personal items, including, but not limited to, hearing aids, eyeglasses, routine medical expenses, physical exams, medications, and all items necessary for a nonhandicapped child, will be the financial responsibility of the parent.

School districts must require use of family insurance, or similar third party payments, in whatever amount is allowed, for determining a child's medically related handicapping condition which results in the child's need for special education and related services. It is the school district's responsibility to assume costs not covered by the insurer or similar third party in the above situation.

The school district in which a handicapped student resides is responsible to provide transportation for the student as prescribed in the student's individualized education program.

Costs of transportation for the student to attend an approved special education program are the responsibility of the school district with aid from the department of public instruction.

The district of residence may use any reasonably prudent and safe means of transportation at its disposal to carry out the requirements of the individualized education program. Such means may include, but not be limited to, a regularly scheduled school bus, public or commercial transportation where appropriate, charter or specially contracted transportation, or transportation provided by a handicapped student's parent or other responsible party at school district expense.

If the transportation between the district of residence and the educational facility is provided by the parents, the reimbursement to the school district from department of public instruction funds shall be for mileage costs only and shall not include per diem costs for meals, lodging, lost wages, or other costs of any kind.

As the state department of health has authority under chapter 25-16 to provide early intervention services to meet the needs of handicapped children ages zero through two years, the legislative assembly recognizes this provision and requires the department of public instruction, the state department of health, and the department of human services to cooperate in planning and coordinating programs for these children."

On page 1, line 12 of the engrossed bill, delete "sending"

- On page 1, line 13 of the engrossed bill, delete "districts" and insert in lieu thereof "district of residence"
- On page 2, line 14 of the engrossed bill, overstrike "transportation, equipment, and residential care" and insert in lieu thereof "the cost of related services"
- On page 2, line 15 of the engrossed bill, after "district", delete "in this state" and insert in lieu thereof "within a special education unit"
- On page 2, line 19 of the engrossed bill, after the second "the", delete "district" and insert in lieu thereof "special education unit"
- On page 2, line 21 of the engrossed bill, after "school", insert "outside the special education unit in which the student is a legal resident"
- On page 3, line 12 of the engrossed bill, after the second "for" delete "transportation," and insert in lieu thereof "the cost of related services."
- On page 3, delete line 13 of the engrossed bill
- On page 3, after line 13 of the engrossed bill, insert the following new sections:

"SECTION 3. AMENDMENT. Section 15-59-08 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-08. SCHOOL DISTRICT SPECIAL EDUCATION PROGRAM - FINANCING - LEVY - LIMITATIONS OF LEVY. The school board of any school district may budget funds from the school district general fund for a special education program for the school district. ~~if the school district is located in a county which is not levying a county tax for special education, the~~ The school board may, upon approval by a majority of the school board, levy a tax not to exceed a total of five ten mills upon all taxable property in the school district for the purpose of carrying out a special education program for the school district, separately or ~~whenever possible,~~ in cooperation with other school districts. ~~Funds presently in the county special education program will be prorated back to all school districts within the county or multidistrict special education board by a majority vote of the county special education board.~~ The levy provided in this section shall be over and above any mill levy limitations provided by law and shall be collected and paid in the same manner as are other school district property taxes. The county treasurer shall credit the proceeds of the tax levy to a school district special education fund. Such funds shall be expended for the school district special education program.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$558,893 for carrying out the provisions of this Act, for the biennium beginning July 1, 1981, and ending June 30, 1983."

And renumber the lines, sections and pages accordingly

And when so amended, recommends the same do pass, but be rereferred to the Committee on Appropriations.

*Rep. Knudson*  
Rep. Knudson

Chairman

SENATE Bill No. 2153 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on NATURAL RESOURCES

to whom was referred SENATE

Bill No. 2184, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1 of the reengrossed bill, line 1, delete the words "create and enact three new subsections to"

On page 1 of the reengrossed bill, delete lines 2 and 3

On page 1 of the reengrossed bill, line 4, after the numerals "20.1-01-02" insert the following: "and section 20.1-07-03"

On page 1 of the reengrossed bill, line 6, after the word "dogs" insert the words "and the protection of fur-bearers during closed seasons"

On page 1 of the reengrossed bill, delete lines 21 through 27 and insert in lieu thereof the following new section:


"SECTION 2. AMENDMENT. Section 20.1-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-07-03. FUR-BEARING ANIMALS WHICH ARE PROTECTED NOT TO BE TAKEN OR DISTURBED DURING CLOSED SEASONS. No person shall hunt, shoot, trap, or take, in this state, any mink, muskrats, or weasels fur-bearer, except during the open or lawful season thereon as established under sections 20.1-07-04 or 20.1-08-02. The governor may, by proclamation, place beavers, raccoons, badgers, foxes, wolves, and coyotes on the protected list of fur-bearing animals at any time and may keep such fur-bearers on the protected list for as long as he may deem reasonable and necessary. If such fur-bearers are placed on the protective list, the governor may, by proclamation, prescribe the area, manner, and number that may be hunted, trapped, shot, or taken."

On page 2 of the reengrossed bill, delete lines 1 through 9

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

 Chairman

SENATE Rep. Kloubec Bill No. 2184 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE

Bill No. 2189, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

 Chairman

SENATE Rep. Rued Bill No. 2189 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on EDUCATION

to whom was referred SENATE



Bill No. 2200, has had the same under consideration and recommends, by a vote of

Ayes, 9; Nays, 5; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

Rep. J. Knudson Chairman  
Rep. Knudson

SENATE Bill No. 2200 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on TRANSPORTATION

to whom was referred SENATE

Bill No. 2204, has had the same under consideration and recommends, by a vote of

Ayes, 9; Nays, 5; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, line 3 of the engrossed bill, after the word "lines" and before the period insert the following: "; and to amend and reenact section 10-15-02 of the North Dakota Century Code relating to the purposes for which cooperatives may be organized"

On page 1, after line 5 of the engrossed bill, insert the following new section:

"SECTION 1. AMENDMENT. Section 10-15-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-15-02. PURPOSES. Cooperatives may be organized under this chapter for any lawful purpose except banking, and insurance, ~~and building or operating public railroads~~, but subject to statutes relating to the organization or operation of specified kinds of corporations or associations."

On page 1, line 6 of the engrossed bill, after the first period underscore the remainder of the line

On page 1 of the engrossed bill, underscore lines 7 through 28; and underscore the lines on all remaining pages of the bill

On page 6, line 33 of the engrossed bill, delete the words "such property is the subject of an" and insert in lieu thereof "the interstate commerce commission, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property."

On page 6 of the engrossed bill, delete lines 34 and 35

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass.

Rep. Timm Chairman  
Rep. Timm

SENATE Bill No. 2204 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on SOCIAL SERVICES AND VETERANS AFFAIRS

to whom was referred SENATE

Bill No. 2247, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, after line 15, insert the following:  
"However, services may not be withheld because of inability to pay any fees established under this section."

And renumber the lines accordingly

And when so amended, recommends the same do pass.

 Chairman  
Rep. Augland

SENATE Bill No. 2247 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE

Bill No. 2256, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

 Chairman  
Rep. Rued

SENATE Bill No. 2256 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred SENATE

Bill No. 2257, has had the same under consideration and recommends, by a vote of

Ayes, 9; Nays, 6; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

 Chairman  
Rep. Conny

SENATE Bill No. 2257 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on EDUCATION

to whom was referred SENATE

Bill No. 2274, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 2; Absent, 0, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, line 12, overstrike "such" and insert in lieu thereof "tuition"

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

*Rep. J. Knudson* Chairman

SENATE Rep. Knudson Bill No. 2274 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on POLITICAL SUBDIVISIONS to whom was referred SENATE

Bill No. 2286, has had the same under consideration and recommends, by a vote of Ayes, 13; Nays, 1; Absent, 1, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, line 19 of the engrossed bill, delete the word "fifteen" and insert in lieu thereof "twenty-five"

On page 1, line 20 of the engrossed bill, after the period insert the following: "In no event, however, shall the petition contain less than thirty signatures.", and on the same line delete the word "ten" and insert in lieu thereof "six"

On page 1, line 21 of the engrossed bill, after the word "more" insert the words "municipal election"

On page 1, line 24 of the engrossed bill, after the word "for" insert the words "the office of"

On page 2, line 23 of the engrossed bill remove the overstrike from the words "call a special election at which only", and on the same line delete the words "place on the"

On page 2 of the engrossed bill, delete lines 24 through 26

On page 2, line 27 of the engrossed bill, delete the words and comma "been filed,"

On page 2, line 28 of the engrossed bill, remove the overstrike from the words and period "will be submitted."

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

And when so amended, recommends the same do pass.

*Lang* Chairman

SENATE Bill No. 2286 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on TRANSPORTATION to whom was referred SENATE

Bill No. 2296, has had the same under consideration and recommends, by a vote of Ayes, 10; Nays, 3; Absent, 3, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, line 15, delete the words "twenty-five" and insert in lieu thereof the word "fifteen"

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass

  
Rep. Timm Chairman

SENATE Bill No. 2296 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on TRANSPORTATION

to whom was referred SENATE

Bill No. 2299, has had the same under consideration and recommends, by a vote of

Ayes, 22; Nays, 0; Absent, 4, that the same

- do pass.       do not pass.       be placed on calendar without recommendation.
- be amended as follows:

On page 2, line 11, remove the overstrikes over the words "~~if-the-board-of-county~~"

On page 2, lines 12 through 16, remove the overstrikes

On page 2, line 17, remove the overstrikes over the words "~~to-the-program,~~"

On page 2, line 23, remove the overstrikes over the words "~~Notice-shall~~" and the words "~~be-published-in-the-official~~"

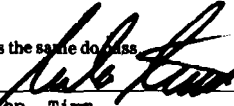
On page 2, lines 24 through 29, remove the overstrikes

On page 2, line 30, remove the overstrikes over the words "~~the-official-county-road-program~~"

On page 3, line 7, after the word "on", insert the words "or for maintenance of"

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass

  
Rep. Timm Chairman

~~SENATE~~ Bill No. 2299 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred SENATE

Bill No. 2300, has had the same under consideration and recommends, by a vote of

Ayes, 11; Nays, 0; Absent, 4, that the same

- do pass.       do not pass.       be placed on calendar without recommendation.

  
Rep. Conmy Chairman

SENATE Bill No. 2300 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE

Bill No. 2333, has had the same under consideration and recommends, by a vote of  
Ayes, 10; Nays, 4; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Chairman  
Rep. Rued

SENATE Bill No. 2333 was placed on the 14th

order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE

Bill No. 2367, has had the same under consideration and recommends, by a vote of  
Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Chairman  
Rep. Rued

SENATE Bill No. 2367 was placed on the 14th

order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on POLITICAL SUBDIVISIONS

to whom was referred SENATE

Bill No. 2377, has had the same under consideration and recommends, by a vote of  
Ayes, 12; Nays, 0; Absent, 4, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.

be amended as follows:

On page 1, line 23 of the engrossed bill, after the word "be" insert  
the words "at least"

On page 2, line 33 of the engrossed bill, after the word "be" insert  
the words "at least"

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass.



Chairman

SENATE Bill No. 2377 was placed on the 6th

order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on NATURAL RESOURCES

to whom was referred SENATE

Bill No. 2419, has had the same under consideration and recommends, by a vote of  
Ayes, 13; Nays, 2; Absent, 1, that the same

do pass.     
  do not pass.     
  be placed on calendar without recommendation.  
 be amended as follows:

On page 1, line 10, after the word "a" insert "legislative"

On page 1, line 13, delete the word "and"

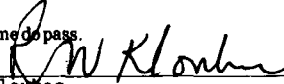
On page 1, line 15, after the word "session" and before the period insert the following: ", and the chairmen of the house and senate standing committees on natural resources"

On page 1, line 15, after the period insert the following: "If a member of the committee named in this section is unable to serve on the committee, the chairman of the legislative council may appoint another member of the legislative assembly to fill the vacancy."

On page 1, line 17, after the word "matters" and before the period insert the following: "; and for any necessary discussions with adjacent states on water-related topics"

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass.

  
 Rep. Kloubec Chairman

SENATE Bill No. 2419 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE CONCURRENT RESOLUTION

No. 4042, has had the same under consideration and recommends, by a vote of

Ayes, 13; Nays, 1; Absent, 2, that the same

do pass.     
  do not pass.     
  be placed on calendar without recommendation.

  
 Rep. Rued Chairman

SENATE CONCURRENT RESOLUTION No. 4042 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on AGRICULTURE

to whom was referred SENATE CONCURRENT RESOLUTION

No. 4043, has had the same under consideration and recommends, by a vote of

Ayes, 12; Nays, 0; Absent, 3, that the same

do pass.     
  do not pass.     
  be placed on calendar without recommendation.

be amended as follows:

On page 1, after line 9, insert the following:

"WHEREAS, traditional avenues of transportation to out-of-state processing plants, such as local branch railway lines, are closing or falling into disuse; and"

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass.

*Rep. Nicholas*

Chairman

Rep. Nicholas

SENATE CONCURRENT RESOLUTION No. 4043 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR

to whom was referred SENATE CONCURRENT RESOLUTION

No. 4051, has had the same under consideration and recommends, by a vote of

Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.

do not pass.

be placed on calendar without recommendation.

*Rep. Rued*

Chairman

Rep. Rued

SENATE CONCURRENT RESOLUTION No. 4051 was placed on the 14th order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Rep. Strinden's motion.

ROY GILBREATH, Chief Clerk