

FIFTY-FIRST DAY

Bismarck, March 18, 1981

The House convened at 9:00 a.m., with Speaker Peterson presiding. Prayer was offered by Joanne Spears, Religious Society of Friends, (Quaker), Bismarck, North Dakota. Roll was called and all members were present except Rep. Gerl. 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 Fiftieth day and recommends that the same be corrected as follows:

On page 1780, after line 12, insert the following:

"Rep. Rued moved that the House do not concur on Senate amendments to House Bill No. 1525. REQUEST"

And when so corrected recommends that the same be approved.

Chairman (Signature)

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

MOTION

Rep. Wagner moved that the House reengross Senate Bills Nos. 2060 and 2399, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2114. - A Bill for an Act to amend and reenact subsection 16 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 96; nays, 2; absent and not voting, 2.

Table with columns: REGULAR SESSION (YEAS, N-V, NAYS), ROLL CALL (YEAS, N-V, NAYS), 1981 LEGISLATURE (YEAS, N-V, NAYS). Lists names of representatives and their voting status.

| | | |
|--------------------|------------------|-------------------|
| • 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 | • MATHENY | • SCHINDLER |
| • HAUSAUER, R. #25 | • MATTSON | • SOLBERG |
| • HEDSTROM | • MEIERS | • SORUM |
| • HEIGAARD | • MELBY | • STRINDEN |
| • HILL | • MERTENS | • SWONTEK |

So the bill passed and the title was agreed to.

**ANNOUNCEMENT OF
APPOINTMENT OF A
CONFERENCE COMMITTEE**

Speaker Peterson appointed the following to a Conference Committee on House Bill No. 1589:

Rep. Boyum

Rep. G. Larson

Rep. Gerl

SECOND READING OF SENATE BILL

Senate Bill No. 2160. — A Bill for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the issuance of hunting, fur-bearer, fishing, and all other licenses and permits issued by the game and fish department; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 42; nays, 58; absent and not voting, 0.

| 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. #38 | | • | • 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 | | • |
| • 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. #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 | | • | • MATHENY | | • | • SCHINDLER | | • | | | |
| • HAUSAUER, R. #25 | | • | • MATTSON | | • | • SOLBERG | | • | | | |
| • HEDSTROM | | • | • MEIERS | | • | • SORUM | | • | | | |
| • HEIGAARD | | • | • MELBY | | • | • STRINDEN | | • | | | |
| • HILL | | • | • MERTENS | | • | • SWONTEK | | • | | | |

So the bill was declared lost.

MOTION

Rep. Strinden moved that Senate Bills Nos. 2204 and 2224 be moved

to the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2286. — A Bill for an Act to amend and reenact sections 40-04-08 and 40-04-10 of the North Dakota Century Code, relating to procedures for changing from a commission system of city government.

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, 98; nays, 1; absent and not voting, 1.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | |
|---------------------------------------|-----|------|------------------|-----|------|-------------------|-----|----------------|
| REGULAR SESSION | | | ROLL-CALL | | | 1981 LEGISLATURE | | |
| 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 | | • UMHJEM |
| • BERG | | | • HUGHES | | | • MOUM | | • VANDER VORST |
| • BERGER | | | • HUWE | | | • MURPHY | | • VIG |
| • BLACK | | | • JACOBSEN, R. | | | • MUSHIK | | • WAGNER |
| • BOYUM | | | • JACOBSEN, 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 | | |
| • DOTZENROD | | | • KOLAND | | | • OPEDAHL | | • MR. SPEAKER |
| • 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 | | |
| • GUNSCH | | | • MARSDEN | | | • RICHARD | | |
| • HANSON, L. #4 | | | • MARTIN | | | • RICHIE | | |
| • HANSON, O. #3 | | | • MARTINSON | | | • RIEHL | | |
| • HAUGLAND | | | • MATCHE | | | • RUED | | |
| • HAUSAUER, A. #49 | | | • MATHEWY | | | • SCHINDLER | | |
| • HAUSAUER, R. #25 | | | • MATTSOON | | | • SOBERG | | |
| • HEDSTROM | | | • MEIERS | | | • SORUM | | |
| • HEGAARD | | | • MELBY | | | • STRINDEN | | |
| • HILL | | | • MERTENS | | | • SWIONTEK | | |

So the bill passed and the title was agreed to.

Senate Bill No. 2295. — A Bill for an Act to provide an appropriation to the state snowmobile fund for the construction and maintenance of snowmobile trails.

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, 20; nays, 79; absent and not voting, 1.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | |
|---------------------------------------|-----|------|----------------|-----|------|-------------------|-----|----------------|
| REGULAR SESSION | | | ROLL-CALL | | | 1981 LEGISLATURE | | |
| 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 | | • UMHJEM |
| • BERG | | | • HUGHES | | | • MOUM | | • VANDER VORST |
| • BERGER | | | • HUWE | | | • MURPHY | | • VIG |
| • BLACK | | | • JACOBSEN, R. | | | • MUSHIK | | • WAGNER |
| • BOYUM | | | • JACOBSEN, I. | | | • NAGEL | | • WALD |
| • BROKAW | | | • KELLY | | | • NICHOLAS | | • WENTZ |
| • CONNY | | | • KENT | • | | • OLAFSON | | • WHALEN |
| • CRABTREE | | | • KINGSBURY | | | • OLSEN | | • ZIMBLEMAN |
| • DICK | | | • KLOUBEC | | | • OLSEN, A. #11 | | |
| • DIETZ | | | • KNUDSON | | | • OLSON, D. #13 | | |
| • DOTZENROD | | | • KOLAND | | | • OPEDAHL | | • MR. SPEAKER |
| • DUBORD | | | • KOSKI | | | • PELTIER | | |
| • EAGLES | | | • KRETSCHMAR | | | • PETERSON | | |
| • FREBERG | | | • KUCHERA | | | • POMEROY, E. #24 | | |
| • GATES | | | • LANG | | | • POMEROY, G. #42 | | |

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| 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 | • | MATCHE | • RUED |
| HAUSAUER, A. #49 | • | • MATHENY | • SCHINDLER |
| HAUSAUER, R. #25 | • | MATTSON | • SOLBERG |
| • HEDSTROM | • | • MEIERS | • SORUM |
| • HEIGAARD | • | MELBY | • STRINDEK |
| HILL | • | MERTENS | • SWIONTEK |

So the bill was declared lost.

Senate Bill No. 2304. — A Bill for an Act to amend and reenact subsection 6 of section 11-10-10 of the North Dakota Century Code, permitting a county to increase the salary of a sheriff who provides law enforcement services for a city under an agreement between the city and county for the services.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 93; absent and not voting, 0.

| 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 | • | | • MORGAN | • | | • MEYER | • | | • TIMM | • | |
| BACKES | • | | • MOWANN | • | | • 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 | • | | | | |
| FREDBORG | • | | • 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 | • | | • MATCHE | • | | • RUED | • | | | | |
| HAUSAUER, A. #49 | • | | • MATHENY | • | | • SCHINDLER | • | | | | |
| HAUSAUER, R. #25 | • | | • MATTSON | • | | • SOLBERG | • | | | | |
| • HEDSTROM | • | | • MEIERS | • | | • SORUM | • | | | | |
| • HEIGAARD | • | | • MELBY | • | | • STRINDEK | • | | | | |
| HILL | • | | • MERTENS | • | | • SWIONTEK | • | | | | |

So the bill was declared lost.

APPOINTMENT OF A CONFERENCE COMMITTEE

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2214.

- Rep. Nicholas
- Rep. Moum
- Rep. Meyer

APPOINTMENT OF A CONFERENCE COMMITTEE

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2228:

- Rep. Retzer
- Rep. Vig
- Rep. Koski

APPOINTMENT OF A CONFERENCE COMMITTEE

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2432:

\$38,383.68, or so much thereof as may be necessary, to the state treasurer for distribution to the tribal governments of each Indian reservation in North Dakota based upon the number of native American students attending elementary and secondary schools within the reservations, for the establishment of priorities for native American alcohol and drug abuse education programs on the reservations as provided in this Act, and \$345,453.15, or so much thereof as may be necessary, to the superintendent of public instruction for distribution to elementary and secondary schools operating on Indian reservations in the state to implement alcohol and drug abuse education programs as provided in this Act for the biennium beginning July 1, 1981, and ending June 30, 1983. Fifty percent of the funds appropriated by this section shall be available for each school year in the biennium.

SECTION 4. EXPIRATION DATE. This Act shall be effective through June 30, 1983, and after that date shall be ineffective."

And renumber the lines and pages accordingly
 Senator Quail moved that the amendments be adopted, which motion prevailed.
 Senator Quail moved that the rules be suspended, that House Bill No. 1605 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1605. — A Bill for an Act to provide a statement of legislative intent; to provide for the creation of a native American alcohol and drug abuse education program for use by elementary and secondary schools on Indian reservations; to provide an appropriation; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were yeas 29, nays 20, absent and not voting 1.

| NORTH DAKOTA SENATE | | | | | | | | | | | |
|---------------------|-----|------|------|-----|------|------------------|-----|------|------|-----|------|
| REGULAR SESSION | | | | | | 1981 LEGISLATURE | | | | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
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So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which House Bill No. 1605 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3069. — A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of the State of North Dakota, relating to the deposit of bonus moneys received from mineral activities on common school lands in the

appropriate permanent trust funds.

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.

Which has been read.

MOTION

Senator Melland moved that House Concurrent Resolution No. 3069 be amended as follows:

On page 1 of the engrossed resolution, delete lines 1 through 10, and insert in lieu thereof the following: "A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of the State of North Dakota, relating to the deposit of bonus moneys received from mineral activities on common school lands in the appropriate permanent trust funds, and to the disposition of the interest and income of the common school trust fund and fines collected for violation of state laws.

STATEMENT OF INTENT

The purpose of these amendments is to require any bonuses paid from 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; and to allow the legislative assembly to determine the method for distributing common school trust fund interest and income to the public schools, ~~rather than having the money distributed on the basis of the proportionate number of school age children in each school district.~~

On page 1 of the engrossed resolution, line 13, delete the words and numeral "amendment to section 1" and insert in lieu thereof the words and numerals "amendments to sections 1 and 2"

On page 1 of the engrossed resolution, line 14, delete the word "is" and insert in lieu thereof the word "are"

On page 2 of the engrossed resolution, after line 28, insert the following new section:

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

Section 2. The interest and income of this fund together with the net proceeds of all fines for violation of state laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the state, ~~and shall be for this purpose apportioned among and between all the several common school corporations of the state in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the state, provided however that if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to and become a part of the school fund as provided by law."~~

And renumber the lines and pages accordingly

Senator Melland moved that the amendments be adopted, which motion prevailed.

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for State Radio Communications is decreased by \$39,812 for the removal of funds associated with the state funding the conversion to a noncontributory retirement plan for employees.

The operating expenses line item is reduced by \$1,074 to reflect legislative guidelines of nine percent per year.

SENATE AMENDMENTS TO HOUSE BILL NO. 1027

On page 1 of the engrossed bill, line 18, delete the numerals "2,176,366" and insert in lieu thereof the numerals "2,109,406"

On page 1 of the engrossed bill, line 19, delete the numerals "1,088,440" and insert in lieu thereof the numerals "1,054,734"

On page 1 of the engrossed bill, line 23, delete the numerals "704,550" and insert in lieu thereof the numerals "450,000"

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

On page 1 of the engrossed bill, line 26, delete the numerals "4,694,701" and insert in lieu thereof the numerals "4,319,485"

On page 1 of the engrossed bill, line 27, delete the numerals "736,000" and insert in lieu thereof the numerals "731,313"

On page 1 of the engrossed bill, line 28, delete the numerals "3,958,701" and insert in lieu thereof the numerals "3,588,172"

On page 2 of the engrossed bill, line 6, delete the numerals "4,300,701" and insert in lieu thereof the numerals "3,930,172"

On page 2 of the engrossed bill, line 7, delete the numerals "736,000" and insert in lieu thereof the numerals "731,313"

On page 2 of the engrossed bill, line 8, delete the numerals "5,036,701" and insert in lieu thereof the numerals "4,661,485"

On page 2 of the engrossed bill, delete lines 23 through 33

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The State Historical Board salaries and wages line item is reduced \$66,960, of which \$62,273 is from the general fund and \$4,687 is estimated income, to delete funds for the noncontributory retirement plan. The operating expenses line item is reduced \$33,706 from the House version in accordance with legislative guidelines of nine percent per year. The \$20,000 line item for a sprinkler system at Little Theatre at Fort Totten is combined with the capital improvements line item. The total of the capital improvements and Fort Totten sprinkler system line items is reduced \$254,550 from the House version. Expenditures from the capital improvements line item are to be made at the discretion of the Historical Board.

SENATE AMENDMENTS TO HOUSE BILL NO. 1029

On page 1 of the engrossed bill, line 15, delete the numerals "410,329" and insert in lieu thereof the numerals "396,916"

On page 1 of the engrossed bill, line 20, delete the numerals "768,001" and insert in lieu thereof the numerals "754,588"

On page 2 of the engrossed bill, delete lines 1 through 10

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Soil Conservation Committee is decreased by \$13,413 from the general fund for the removal of funds associated with the state funding a conversion to a noncontributory retirement plan for employees.

SENATE AMENDMENTS TO HOUSE BILL NO. 1031

On page 1 of the engrossed bill, line 14, delete the numerals "4,016,386" and insert in lieu thereof the numerals "3,888,404"

On page 1 of the engrossed bill, line 19, delete the numerals "9,048,642" and insert in lieu thereof the numerals "8,920,660"

On page 1 of the engrossed bill, line 20, delete the numerals "1,383,500" and insert in lieu thereof the numerals "1,377,929"

On page 1 of the engrossed bill, line 21, delete the numerals "7,665,142" and insert in lieu thereof the numerals "7,542,731"

On page 2 of the engrossed bill, delete lines 9 through 18 and insert in lieu thereof the following:

"SECTION 4. APPROPRIATION. There is hereby appropriated out of federal funds, the sum of \$480,938, or so much thereof as may be necessary, to the state water commission for the rural water office for the biennium beginning July 1, 1981, and ending June 30, 1983, as follows:

| | |
|----------------------------------------------|----------------|
| Salaries and wages | \$ 246,378 |
| Fees and services | 108,160 |
| Supplies and materials | 6,400 |
| Grants, benefits, and claims | <u>120,000</u> |
| Total special fund appropriation | \$ 480,938 |
| Grand total general fund appropriation | \$ 7,542,731 |
| Grand total special fund appropriation | \$ 1,858,867 |
| Grand total all funds appropriated H.B. 1031 | \$ 9,401,598" |

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Water Commission is reduced \$127,982, of which \$5,571 is estimated income and \$122,411 is from the general fund, to delete funds for the noncontributory retirement plan. An appropriation of federal funds for the state's rural water office of \$480,938 is added to this bill. This appropriation was originally included in the appropriation for the Natural Resources Council for which the 1981 Legislature is not making a separate appropriation.

SENATE AMENDMENTS TO HOUSE BILL NO. 1371

On page 1, of the engrossed bill, line 16, following the hyphen, delete the word "eight", and insert in lieu thereof the word

"six", and on the same line after the word "thousand", delete the word "three", and insert in lieu thereof the word "seven"

On page 1, of the engrossed bill, line 19, delete the word "thirty", and insert in lieu thereof the words "twenty-nine", and on the same line following the word "thousand", delete the word "five", and insert in lieu thereof the word "four"

And renumber the lines accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1399

On page 1 of the reengrossed bill, line 3, after the first comma insert the word, "or" and on the same line after the word "sex" delete the comma and the words, "or marital status; to define a discriminatory" and insert a period

On page 1 of the reengrossed bill, delete lines 4 through 12

On page 1 of the reengrossed bill, line 17, after the fourth comma insert the word, "or" and on the same line after the word "sex" delete the comma and the word, "or"

On page 1 of the reengrossed bill, line 18, delete the words, "marital status"

On page 1 of the reengrossed bill, delete lines 23 through 27

On page 2 of the reengrossed bill, delete lines 1 through 35

On page 3 of the reengrossed bill, delete lines 1 through 34

On page 4 of the reengrossed bill, delete lines 1 through 35

On page 5 of the reengrossed bill, delete lines 1 through 35

On page 6 of the reengrossed bill, delete lines 1 through 33

On page 7 of the reengrossed bill, delete lines 1 through 35

On page 8 of the reengrossed bill, delete lines 1 through 35

On page 9 of the reengrossed bill, delete lines 1 through 35

On page 10 of the reengrossed bill, delete lines 1 through 34

On page 11 of the reengrossed bill, delete lines 1 through 10

And renumber the lines accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1424

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide a four-cent per gallon tax on diesel fuel blended with recovered oil."

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

SECTION 1. TEMPORARY TAX ON CERTAIN BLENDED FUELS.
Notwithstanding section 57-52-04, from July 1, 1981 through June 30, 1983, the tax imposed on fuel consisting of a blend of diesel fuel and not less than twenty percent recovered oil shall be four cents per gallon."

and renumber the lines and pages accordingly.

SENATE AMENDMENTS TO HOUSE BILL NO. 1473

- On page 1 of the engrossed bill, line 14, overstrike the words "less than sixteen"
- On page 1 of the engrossed bill, line 15, overstrike the words "years of age" and insert in lieu thereof the words "a child as defined in section 27-20-02"
- On page 5 of the engrossed bill, on line 35, after the word "section" insert the following words "except that a detention hearing is not required"

SENATE AMENDMENTS TO HOUSE BILL NO. 1502

- On page 2 of the re-engrossed bill, line 27, overstrike the words "credited to a special" and insert thereafter the words "deposited in a permanent trust"
- On page 2 of the re-engrossed bill, line 29, delete the word "and" and insert in lieu thereof the words "pursuant to article X, section 21 of the Constitution of the State of North Dakota. Those funds held in trust and administered by the board of university and school lands on the effective date of this Act pursuant to section 12, chapter 563, 1975 Session Laws; section 12, chapter 560, 1977 Session Laws; or section 16, chapter 626, 1979 Session Laws shall also be deposited in the trust fund created pursuant to this subsection. The fund shall" and, also on line 29, overstrike the first word "to"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1504

- On page 1 of the engrossed bill, line 1, after the second comma, insert the word "and", and on the same line delete the third comma
- On page 1 of the engrossed bill, line 2, delete the words "and 6"
- On page 1 of the engrossed bill, line 6, after the second comma insert "and" and delete ", and 6"
- On page 2 of the engrossed bill, line 24, overstrike the words "by an amount not to exceed thirty"
- On page 2 of the engrossed bill, line 25, overstrike the words "percent above the salary"
- On page 3 of the engrossed bill, delete lines 31 through 35
- On page 4 of the engrossed bill, delete lines 1 through 11
- And renumber the pages, lines and sections accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1516

- On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact two new sections to chapter 12.1-27.1 of the North Dakota Century Code, relating to obscenity control; and to repeal section 12.1-27.1-03.2 of the North Dakota Century Code, relating to the showing of motion pictures at outdoor theaters."

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

SECTION 1. A new section to chapter 12.1-27.1 is
hereby created and enacted to read as follows:

COMMERCIAL NUDITY.

1. No person shall knowingly provide service to patrons without fully opaque clothing covering, so as not to expose to the view of the public, patrons, guests, invitees, or paying customers, human male or female genitals, pubic hair, buttocks, anal region, ~~or~~ post pubertal female breast below the top of the areola.
2. No person, being the owner, lessor, lessee, or having control, custody, or supervision of any commercial business, establishment, tavern, store, shop, massage parlor, or other place of public accommodation, commerce, or amusement, shall recklessly use or promote the use of, or permit or tolerate others to use or promote the use of, such premises in violation of subsection 1 of this section; or, if given or having actual notice of such violation, shall negligently fail or refuse to cease or stop such violation, or cause an agent, employee, or other subordinate to cease or stop such violation, or to notify a law enforcement agency of such violation.
3. "Service to patrons" means the provision or allowance of services, advertisement, or entertainment to the public, patrons, guests, invitees, or paying customers, including hostessing, bartending, food or beverage serving or preparing, table setting or clearing, waitering or waitressing, singing, dancing, massaging, counseling, and also including beauty or figure contests, modeling, or exhibitions.
4. It is an affirmative defense to a charge under this section that the "service to patrons" involving such nudity provided serious literary, artistic, political, scientific, medical, educational, or theatrical value and was not provided for commercial or sexual exploitation or with an emphasis on an appeal to a prurient interest.
5. A person who violates subsection 1 of this section is guilty of commercial nudity, a class A misdemeanor. Whoever violates subsection 2 of this section is guilty of promoting commercial nudity, a class C felony. If the offender has previously been convicted of a violation of this section, then the degree of offense shall be one degree higher than that above provided for the particular subsection involved.

SECTION 2. A new section to chapter 12.1-27.1 is hereby created and enacted to read as follows:

UNLAWFUL EXHIBITION OF PERFORMANCES CONTAINING
SEXUALLY EXPLICIT NUDITY AT OUTDOOR THEATERS.

1. No person, having custody, control, or supervision of any outdoor or drive-in motion picture theater or arena, with knowledge of the character of the performance involved, shall knowingly present or participate in presenting the exhibition of a performance which contains

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sexually explicit nudity upon any outdoor or drive-in motion picture theater or arena screen, when such screen is visible and the performance is visibly displayed, from a distance of less than one thousand feet from a public highway or street, sidewalk, park, alley, residence, playground, school, or other such place to which minors, outside the theatre, as part of the general public or otherwise, have unrestrained and reasonably anticipated access and presence, except between the nighttime hours of eleven p.m. and six a.m. inclusive.

2. A person who violates this section is guilty of exhibiting a harmful performance at an outdoor theater, a class B misdemeanor. If the offender has previously been convicted of a violation of this section, then such offense is a class A misdemeanor.
3. As used in this section "sexually explicit nudity" means the sexually oriented and explicit showing, by any means, including but not limited to, close-up views, poses or depictions in such position or manner as to present or expose such areas to prominent, focal or obvious viewing attention, of any of the following: post-pubertal, fully or partially developed, human female breast with less than a fully opaque covering of any portion thereof below the top of the areola; the depiction of covered human male genitals in a discernible turgid state; or lewd exhibition of the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering.

SECTION 3. REPEAL. Section 12.1-27.1-03.2 of the 1979 Supplement to the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1542

On page 1 of the engrossed bill, line 2, after the numerals "57-02-08" insert the words and numerals "and section 57-02-14.1"

On page 1 of the engrossed bill, line 3, delete the word "homes" and insert in lieu thereof the words "improvements and to filing of tax exemption certificate for real property claimed to be exempt"

On page 3 of the engrossed bill, after line 5, insert the following new section:

"SECTION 2. AMENDMENT. Section 57-02-14.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-14.1. TAX EXEMPTION CERTIFICATE FOR REAL PROPERTY TO BE FILED - EXCEPTIONS. Any person, ~~corporations~~ corporation, ~~associations~~ association, or ~~organizations~~ organization, owning real property located within a ~~municipality~~ this state which claims that such real property is exempt from assessment and taxation shall file with the assessor and with the county auditor a certificate setting out all facts on which the claim for exemption is based, including the names of owners, the date such property was acquired, the legal description, the use to which the property was put during the twelve months preceding the assessment date, and any other information which the assessor may request. This certificate shall be filed with the assessor and the

county auditor each year before the assessment date. If the certificate is not filed as provided herein, the assessor shall regard the property as nonexempt property and shall assess it as such. The provisions of this section shall not apply in any case where the real property is owned by the United States or the state of North Dakota or any of its departments, institutions, agencies, or political subdivisions."

And renumber the lines, sections, and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1635

On page 6 of the reengrossed bill, delete lines 12 through 29 and insert in lieu thereof the following:

"SECTION 14. DISPLACED HOMEMAKER ACCOUNT - CREATION. There is hereby created in the bureau, a displaced homemaker's account. The executive director may apply for and accept any funds, grants, gifts, or services made available for displaced homemakers by any agency or department of the federal government or any private agency or individual. Such funds, grants, gifts, dissolution of marriage-fee assessments, or moneys received from services received pursuant to this section shall be placed in the displaced homemaker account and may be spent within the limits of legislative appropriation.

SECTION 15. PETITION FOR DISSOLUTION OF MARRIAGE - FEE ASSESSMENT. There should be assessed against the petitioner a fee of twenty dollars upon filing of a petition for dissolution of marriage. All such fees collected shall be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by this Act.

SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the displaced homemaker account in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to job service North Dakota for the purpose of providing services for displaced homemakers under this Act for the biennium beginning July 1, 1981, and ending June 30, 1983.

SECTION 17. APPROPRIATION. There is hereby appropriated such additional funds as may become available through grants, gifts, or other sources during the biennium beginning July 1, 1981, and ending June 30, 1983. Such funds may be spent only upon approval of the emergency commission."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3053

On page 1, after line 14, insert the following:

WHEREAS, the lack of alternative programs for juveniles often results in inappropriate incarceration of status and traffic offenders with serious delinquent and adult prisoners; and

On page 2, line 2 after the word "of" insert "appropriate local" and after "programs" insert "for status and traffic offenders and"

On page 2, line 10, after "the" insert the words "detention and"

On page 2, line 11, after the comma insert the words "the appropriate jurisdiction over juvenile traffic offenders,"

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:
 House Bill No. 1252
 House Bill No. 1397
 House Bill No. 1426
 House Bill No. 1514
 House Bill No. 1543
 House Bill No. 1595
 House Bill No. 1654
 House Concurrent Resolution No. 3016
 House Concurrent Resolution No. 3065
 Which the President has signed.

LEO LEIDHOLM, Secretary

MOTION

Rep. Strinden moved that the House stand at recess until 1:00 p.m., which motion prevailed.

The House reconvened at 1:00 p.m., pursuant to Rep. Strinden's motion, with Speaker Peterson presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

House Bill No. 1307
 House Bill No. 1392
 House Bill No. 1422
 House Concurrent Resolution No. 3077
 House Concurrent Resolution No. 3078
 House Concurrent Resolution No. 3080

and find the same correctly } Enrolled

Representative Retzer motion prevailed, and the report was adopted.

Craig M. Richie Chairman
 moved that the report be adopted, which

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

Senate Bill No. 2060
 Senate Bill No. 2399

and find the same correctly Re } Engrossed

Representative Vig motion prevailed, and the report was adopted.

Craig M. Richie Chairman
 moved that the report be adopted, which

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

H.B. NO. 1252

H.B. NO. 1397

H.B. NO. 1426

H.B. NO. 1514

H.B. NO. 1543

H.B. NO. 1595

H.B. NO. 1654

were delivered to the ~~XXXXXXXXXX~~ Governor ~~XXXXXXXXXX~~ Secretary of State for his approval at the hour of 10:00 o'clock A.M. March 18, 1981

Craig M. Richie
Rep. Craig Richie Chairman.

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

H.C.R. No. 3016

H.C.R. No. 3065

were delivered to the ~~XXXXXXXXXX~~ Governor ~~XXXXXXXXXX~~ Secretary of State at the hour of 9:49 o'clock A.M. March 18, 1981

Craig M. Richie
Rep. Craig Richie Chairman.

**MESSAGE FROM THE SENATE
Senate Chamber**

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

- Senate Bill No. 2051
- Senate Bill No. 2069
- Senate Bill No. 2070
- Senate Bill No. 2090
- Senate Bill No. 2166
- Senate Bill No. 2282
- Senate Bill No. 2288
- Senate Bill No. 2325
- Senate Bill No. 2339
- Senate Bill No. 2349
- Senate Bill No. 2375
- Senate Bill No. 2383
- Senate Bill No. 2418
- Senate Bill No. 2429
- Senate Concurrent Resolution No. 4018

Which the President has signed and your signature is respectfully

requested.

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

- House Bill No. 1037
House Bill No. 1447
House Bill No. 1458
House Bill No. 1615
House Bill No. 1634
House Concurrent Resolution No. 3020
House Concurrent Resolution No. 3052
House Concurrent Resolution No. 3061
House Concurrent Resolution No. 3074

and find the same correctly } Enrolled

Representative Retzer moved that the report be adopted, which motion prevailed, and the report was adopted.

SECOND READING OF SENATE BILLS

Senate Bill No. 2355. - A Bill for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to the limit on retention of payment under construction contracts.

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, 96; nays, 1; absent and not voting, 3.

Table with 4 columns: REGULAR SESSION (YEAS, N-V, NAYS), ROLL-CALL (YEAS, N-V, NAYS), 1981 LEGISLATURE (YEAS, N-V, NAYS). Lists names of representatives and their voting status.

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. 2356, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2356. — A Bill for an Act to rename the department of accounts and purchases as the office of management and budget; to create and enact a new section to chapter 54-07 and a new section to chapter 54-44 of the North Dakota Century Code, relating to the designation of the office of management and budget as the agency to administer nonstatutorily assigned governmental functions; and to amend and reenact sections 54-27.1-01 and 54-44-01 and subsection 1 of section 54-44-11 of the North Dakota Century Code, relating to the federal aid coordinator office, the responsibilities of the office of management and budget, and the state purchasing operating fund.

Which has been read.

ROLL CALL

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

| 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. #34 | | | • 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 | | | | | |
| • FREDBERG | | | • 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 | | | • MATHENY | | • | • SCHINDLER | | | | | |
| • HAUSAUER, R. #25 | | | • MATTSON | | • | • SOLBERG | | | | | |
| • HEDSTROM | | | • MEIERS | | • | • SORUM | | | | | |
| • HEIGAARD | | | • MELBY | | • | • STRINDEN | | | | | |
| • HILL | | | • MERTENS | | • | • SWONTEK | | | | | |

So the bill passed and the title was agreed to.

MOTIONS

Rep. Dick moved that the House reconsider its action by which we concurred with the Senate amendments to House Bill No. 1525.

REQUEST

Rep. Hughes requested a recorded roll call vote, which request was granted.

The question being on the motion to reconsider the action by which we concurred with the Senate amendments to House Bill No. 1525, there were ayes, 46; nays, 51; absent and not voting, 3.

| 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 | | | • 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 | |
| • FREEBORG | • 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 | • MATHENY | • SCHINDLER | |
| • HAUSAUER, R. #25 | • MATTSON | • SOLBERG | |
| • HEDSTROM | • MEIERS | • SORUM | |
| • HEIGAARD | • MELBY | • STRINDEN | |
| • HILL | • MERTENS | • SWIONTEK | |

So the motion to reconsider lost.

MOTION

Rep. Retzer moved that the House reconsider its action by which the House did not concur in the Senate amendments to House Bill No. 1058, and that the Conference Committee on House Bill No. 1058 be dissolved.

REQUEST

Rep. Retzer requested a recorded roll call vote, which request was granted.

The question being on the motion that the House reconsider its action by which the House did not concur in the Senate amendments to House Bill No. 1058, the roll was called and there were ayes, 42; nays, 57; absent and not voting, 1.

ROLL CALL

| 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. #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 | | | | | |
| • FREEBORG | | | • 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 | | | • MATHENY | | | • SCHINDLER | | | | | |
| • HAUSAUER, R. #25 | | | • MATTSON | | | • SOLBERG | | | | | |
| • HEDSTROM | | | • MEIERS | | | • SORUM | | | | | |
| • HEIGAARD | | | • MELBY | | | • STRINDEN | | | | | |
| • HILL | | | • MERTENS | | | • SWIONTEK | | | | | |

So the motion failed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2358. — A Bill for an Act to provide for distribution of a portion of the state general fund if the balance reaches a certain level.

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, 65; nays, 34; absent and not voting, 1.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | | | | |
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| 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. #38 | | | • MORGAN | | | • MEYER | | | • TIMM | | |
| • BACKES | | • | • HOUMANN | | • | • MOORE | | | • UNHJEM | | • |
| • BERG | | | • HUGHES | | | • MOWM | | | • 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 | | • | | | |
| • DOTZENROD | | • | • KOLAND | | | • OPEDAHL | | | • MR. SPEAKER | | |
| • 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 | | | | | |
| • GONDER | | • | • LARSON, H. #7 | | | • REITZER | | | | | |
| • GUNDERSON | | | • LIPSIE | | | • RICE | | • | | | |
| • GUNSCHE | | • | • LARSON, M. | | | • RICHARD | | | | | |
| • HANSON, L. #48 | | | • MARTIN | | | • RICHIE | | | | | |
| • HANSON, D. #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.

RECOGNITION

Speaker Peterson announced that a former Representative was in the chambers, and requested that the House recognize former Rep. Glen Goodman, and Rep. Goodman was thereupon introduced to the House.

MOTION

Rep. R. Jacobsen moved that the House reconsider its action whereby Senate Bill No. 2160 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

Senate Bill No. 2160. — A Bill for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the issuance of hunting, fur-bearer, fishing, and all other licenses and permits issued by the game and fish department; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 70; nays, 30; absent and not voting, 0.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | | | | |
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| 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. #38 | | | • MORGAN | | | • MEYER | | | | • TIMM | |
| • BACKES | | • | • HOUMANN | | | • MOORE | | | • UNHJEM | | |
| • BERG | | | • HUGHES | | | • MOWM | | | • VANDER VORST | | |
| • BERGER | | • | • HUWE | | | • MURPHY | | | • VIG | | |
| • BLACK | | | • JACOBSEN, R. | | | • MUSHIK | | • | • WAGNER | | |
| • BOYUM | | • | • JACOBSON, I. | | • | • NAGEL | | | • WALD | | |
| • BROKAW | | | • KELLY | | • | • NICHOLAS | | | • WENTZ | | |
| • CONMY | | | • KENT | | | • OLAFSON | | | • WHALEN | | • |

JOURNAL OF THE HOUSE

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| • 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 | |
| • FREDRIG | • 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 | • MATHENY | • SCHINDLER | |
| • HAUSAUER, R. #35 | • MATTSO | • SOLBERG | |
| • HEDSTROM | • MEIERS | • SORUM | |
| • HEIGAARD | • MELBY | • STRINDEN | |
| • HILL | • MERTENS | • SWIONTEK | |

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

MOTION

Rep. Martinson moved that the House reconsider its action whereby Senate Concurrent Resolution No. 4041 failed to pass, which motion prevailed on a verification vote.

Rep. Kretschmar moved that Senate Concurrent Resolution No. 4041 be rereferred to the Committee on Joint Constitutional Revision, which motion prevailed.

ANNOUNCEMENT

Speaker Peterson announced that Senate Concurrent Resolution No. 4041 was rereferred to the Committee on Joint Constitutional Revision.

SECOND READING OF SENATE BILLS

Senate Bill No. 2364. — A Bill for an Act to create and enact a new section to chapter 57-13 of the North Dakota Century Code, relating to the status of the state board of equalization when performing its duties; and to amend and reenact subdivision i of subsection 1 of section 28-32-01 of the North Dakota Century Code, as created by House Bill No. 1042, as approved by the forty-seventh legislative assembly, relating to agencies not included within the definition of administrative agency.

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, 92; nays, 6; absent and not voting, 2.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | | | | |
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| 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. #36 | | | • HORGAN | | | • HEYER | | | • TIMM | | |
| • BACKES | | | • HOUMANN | | | • MOORE | | | • UNH/EM | | • |
| • 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 | | | | | |
| • FREDRIG | | | • 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 | | | | | |

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| • HAUGLAND | • MATCHIE | • RUED |
| • HAUSAUER, A #49 | • MATHENY | • SCHINDLER |
| • HAUSAUER, R #75 | • MATTSON | • SOLBERG |
| • HEDSTROM | • MEIERS | • SORUM |
| • HEIGAARD | • MELBY | • STRINDEN |
| • HILL | • MERTENS | • SWIONTEK |

So the bill passed and the title was agreed to.

Senate Bill No. 2374. — A Bill for an Act to authorize the Bank of North Dakota to guarantee loans used for the construction of community-sized ethanol agriculturally derived fuel production facilities.

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, 12; absent and not voting, 0.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | | | | |
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| 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 | | | • HOUIMANN | | | • 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 | | | • KLOUBEK | | | • OLSON, A #11 | | | | | |
| • DIETZ | | | • KNUDSON | | | • OLSON, D #13 | | • | • MR SPEAKER | | |
| • DOTZENROD | | | • KOLAND | | | • OPEDAHL | | | | | |
| • DuBORD | | | • KOSKI | | | • PELTIER | | | | | |
| • EAGLES | | | • KRETSCHMAR | | | • PETERSON | | | | | |
| • FREGORG | | | • 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 #7 | | | • MARTINSON | | | • RIEHL | | | | | |
| • HAUGLAND | | | • MATCHIE | | | • RUED | | | | | |
| • HAUSAUER, A #49 | | | • MATHENY | | | • SCHINDLER | | | | | |
| • HAUSAUER, R #75 | | | • MATTSON | | | • SOLBERG | | | | | |
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| • HEIGAARD | | • | • MELBY | | | • STRINDEN | | | | | |
| • HILL | | | • MERTENS | | | • SWIONTEK | | | | | |

So the bill passed and the title was agreed to.

Senate Bill No. 2386. — A Bill for an Act to create a general revenue bond authority in the Bank of North Dakota, with authority to issue revenue bonds to finance the construction, remodeling, and renovation of revenue-producing state buildings; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 91; absent and not voting, 1.

| NORTH DAKOTA HOUSE OF REPRESENTATIVES | | | | | | | | | | | |
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| 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 | | | • HOUIMANN | | | • 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 | | | • KLOUBEK | | | • OLSON, A #11 | | | | | |
| • DIETZ | | | • KNUDSON | | | • OLSON, D #13 | | | • MR SPEAKER | | |

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| DOTZENROD | • | KOLAND | • | OPEDAHL | • |
| DUBORD | • | KOSKI | • | PELTIER | • |
| EAGLES | • | KRETSCHMAR | • | PETERSON | • |
| FREBERG | • | KUCHERA | • | POMEROY, E. #24 | • |
| GATES | • | LANG | • | POMEROY, G. #42 | • |
| GERL | • | LARSON, B. #112 | • | 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 | • | MATHENY | • | SCHINDLER | • |
| HAUSAUER, R. #25 | • | MATTSON | • | SOLBERG | • |
| HEDSTROM | • | MEIERS | • | SORUM | • |
| HEIGAARD | • | MELBY | • | STRINDEN | • |
| HILL | • | MERTENS | • | SWIONTEK | • |

So the bill was declared lost.

Senate Bill No. 2435. — A Bill for an Act to establish the North Dakota building authority and to set out its powers and duties; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 10; nays, 86; 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 | • | | 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 | • | |
| 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. #112 | • | | 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 | • | | MATHENY | • | | SCHINDLER | • | | | | |
| HAUSAUER, R. #25 | • | | MATTSON | • | | SOLBERG | • | | | | |
| HEDSTROM | • | | MEIERS | • | | SORUM | • | | | | |
| HEIGAARD | • | | MELBY | • | | STRINDEN | • | | | | |
| HILL | • | | MERTENS | • | | SWIONTEK | • | | | | |

So the bill was declared lost.

MOTION

Rep. Kretschmar moved that the House reconsider its action whereby Senate Bill No. 2195 failed to pass, which motion failed on a verification vote.

SECOND READING OF SENATE BILLS

Senate Bill No. 2117. — A Bill for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 96; nays, 1; absent and not voting, 3.

| 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 | | |
| ● 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. #12 | | | ● REED | ● | | | | |
| ● GOETZ | | | ● LARSON, G. #29 | | | ● REITEN | | | | | |
| ● GORDER | | | ● LARSON, H. #7 | | | ● RETZER | | | | | |
| ● GUNDERSON | | | ● LIPSIEA | | | ● RICE | | | | | |
| ● GUNSCH | | | ● MARS DEN | | | ● 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.

Senate Bill No. 2216. — A Bill for an Act to provide for a state matching program to counties and cities senior citizen programs and activities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 96; nays, 1; absent and not voting, 3.

| 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 | | |
| ● 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. #12 | | | ● REED | ● | | | | |
| ● GOETZ | | | ● LARSON, G. #29 | | | ● REITEN | | | | | |
| ● GORDER | | | ● LARSON, H. #7 | | | ● RETZER | | | | | |
| ● GUNDERSON | | | ● LIPSIEA | | | ● RICE | | | | | |
| ● GUNSCH | | | ● MARS DEN | | | ● 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.

Senate Bill No. 2232. — A Bill for an Act to amend and reenact section 15-55-18 of the North Dakota Century Code, relating to bond issue for community junior colleges and off-campus educational centers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 95; nays, 0; absent and not voting, 5.

| 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 | | | ● UNHJEW | | |
| ● 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 | | | ● KLAND | | | ● 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 | | | | | |
| ● GUNSCHE | | | ● MARSDEN | | | ● RICHARD | | | | | |
| ● HANSON, L. #48 | | | ● MARTIN | | | ● RICHIE | | | | | |
| ● HANSON, G. #2 | | | ● MARTINSON | | | ● RIEHL | | | | | |
| ● HAUGLAND | | | ● MATCHIE | | | ● RIED | | | | | |
| ● 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. 2245. — A Bill for an Act to amend and reenact sections 15-40.1-16, 15-40.1-16.1, and 15-40.1-17 of the North Dakota Century Code to provide transportation aid for school children bused within the city limits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 81; nays, 15; absent and not voting, 4.

| 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 | | | ● UNHJEW | | |
| ● 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 | | | ● KLAND | | | ● 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 | | | | | |
| ● GUNSCHE | | ● | ● MARSDEN | | | ● RICHARD | | | | | |
| ● HANSON, L. #48 | | | ● MARTIN | | | ● RICHIE | | | | | |
| ● HANSON, G. #2 | | | ● MARTINSON | | | ● RIEHL | | | | | |
| ● HAUGLAND | | | ● MATCHIE | | | ● RIED | | | | | |
| ● 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. 2394. — A Bill for an Act to amend and reenact section 15-34.2-06.1, relating to the maximum total fees a nonreorganized school district may collect for school bus services.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 90; nays, 6; 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 | • | | • HOUWMANN | | | • MOORE | | | • UNHJEM | | |
| • BERG | | | • HUGHES | | • | • MOUM | | | • VANDER VORST | | |
| • BERGER | | | • HUWE | | | • MURPHY | | • | • VIC | | |
| • 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 | | | • 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. #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.

Senate Bill No. 2404. — A Bill for an Act to establish a higher education study commission and to provide for its membership, duties, responsibilities, and administrative procedures.

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, 86; nays, 10; 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 | • | | • HOUWMANN | | | • MOORE | | | • UNHJEM | | |
| • BERG | | | • HUGHES | | | • MOUM | | | • VANDER VORST | | |
| • BERGER | | | • HUWE | | | • MURPHY | | | • VIC | | |
| • 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 | | | • 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 | • MARS DEN | 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.

Senate Bill No. 2406. — A Bill for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code to direct the superintendent of public instruction to establish a loan program to assist schools in changing to coal heat; to amend and reenact section 21-02-02 of the North Dakota Century Code, relating to certificate of indebtedness and the repayment of loans; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 34; nays, 57; absent and not voting, 9.

| 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. #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 | | |
| • CONNY | | | • KENT | • | | • OLAFSON | | | • WHALEN | | |
| • CRABTREE | • | | • KINGSBURY | | | • OLSEN | | | • ZIMBLEMAN | | |
| • DICK | | | • KLOUBEC | • | | • OLSON, A. #11 | | | | | |
| • DIETZ | • | | • KNUDSON | | | • OLSON, D. #3 | | | • 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 | • | | • MARS DEN | | | • 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 was declared lost.

Senate Bill No. 2426. — A Bill for an Act regarding the powers and duties of the legislative council concerning a legislative budget, and setting out procedures therefor.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 91; 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. #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 | • | | |
| 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 | • | | |
| GUNSCH | • | 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 | • | | |
| HEGAARD | • | MELBY | • | STRINDEN | • | | |
| HILL | • | MERTENS | • | SWIONTEK | • | | |

So the bill was declared lost.

MOTION

Rep. Strinden moved that House Bill No. 1251 be moved to the top of the calendar, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE

SECOND READING OF A HOUSE BILL

REQUEST

Rep. Unhjem requested a call of the House, which request was granted.

MOTION

Rep. Strinden moved that we dispense with the call of the House, which motion prevailed.

House Bill No. 1251. — A Bill for an Act to amend and reenact section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as enrolled, over the Governor's veto, the roll was called and there were ayes, 43; nays, 55; absent and not voting, 2.

| 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 | | | • HETZ | | | • THOMPSON | | |
| • ANDERSON, R #36 | | | • HORGAN | | | • MEYER | | | • TIMM | | |
| • BACKES | | | • HOUWANN | | | • MODRE | | | • 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 | | | • 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 | | | • MATHENY | | | • SCHINDLER | | | | | |

| | | |
|-------------------|---------|----------|
| HAUSAUER, R. #125 | MATTSON | SOLBERG |
| HEDSTROM | MEIERS | SORUM |
| HEIGAARD | MELBY | STRINDEN |
| HILL | MERTENS | SWIONTEK |

So the bill failed to pass over the Governor's veto.

SECOND READING OF SENATE BILL

Senate Bill No. 2204. — A Bill for an Act to provide for the creation of regional railroad authorities and to empower these authorities to plan, acquire, and operate railroad lines; 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.

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, 44; nays, 52; 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 | | • | • 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. #12 | | • | | | |
| • DOTZENROD | | | • KOLAND | | • | • OPEDAHL | | • | | | |
| • DUBORD | | | • KOSKI | | • | • PELTIER | | • | | | |
| • EAGLES | | • | • KRETSCHMAR | | • | • PETERSON | | • | | | |
| • FREDRIG | | • | • 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 | | • | • MATHENY | | • | • SCHINDLER | | • | | | |
| • HAUSAUER, R. #25 | | | • MATTSON | | • | • SOLBERG | | • | | | |
| • HEDSTROM | | • | • MEIERS | | • | • SORUM | | • | | | |
| • HEIGAARD | | | • MELBY | | • | • STRINDEN | | • | | | |
| • HILL | | | • MERTENS | | • | • SWIONTEK | | • | | | |

So the bill was declared lost.

SPECIAL ORDER OF BUSINESS

Rep. Strinden moved that the House be on a special order of business, which motion prevailed.

HOUSE MEMORIAL SERVICE

The Pastor for the Memorial Service is Reverend Ira Herzberg. Rev. Herzberg is retired from Calvary Methodist Church. He prayed for the House and Senate one week each from 1929 to 1935.

Invocation: Rev. Ira Herzberg.

Selection: Minot Air Force Base Choir, Patrick Knight, Director.

Rep. Lipsiea introduced the family members of former representatives.

Selection: "He Touched Me" was sung by Rep. Alice Olson, accompanied by Mrs. Oben Gunderson.

MOTION

Rep. Lipsiea moved that the rules be suspended, that House Memorial Resolution No. A not be referred to committee, be read in its entirety, not printed as a bill, but printed in the Journal, and placed on second reading and final passage, which motion prevailed.

FIRST READING OF
HOUSE MEMORIAL RESOLUTION
HOUSE MEMORIAL RESOLUTION NO. A

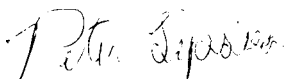
House Memorial Resolution No. A. — A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

Introduced by Committee on House Memorial Resolutions (At the request of Rep. Lipsiea).

HOUSE MEMORIAL RESOLUTION NO. A.

Introduced by

Committee on Memorial Resolutions



A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

WHEREAS, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

EMIL E. ANDERSON, who served in the Thirty-sixth through the Thirty-ninth Legislative Assemblies, from the thirty-fourth district, died July 11, 1979.

KENNETH L. ANDERSON, who served in the Thirty-third through the Thirty-fifth Legislative Assemblies, from the thirty-second district, died May 27, 1980.

INGVAL BJERKAN, who served in the Thirty-fifth Legislative Assembly, from the twenty-eighth district, died November 11, 1979.

ALFRED O. BROWN, who served in the Nineteenth and Twentieth Legislative Assemblies, from the forty-ninth district, died September 17, 1979.

ELMER W. CART, who served in the Seventeenth through the Nineteenth Legislative Assemblies, from the fortieth district, died February 6, 1980.

WALTER CHRISTENSEN, who served in the Thirty-seventh and Thirty-eighth Legislative Assemblies, from the forty-sixth district, died August 3, 1979.

EDWIN N. DAVIS, who served in the Thirty-third through the Thirty-ninth Legislative Assemblies, from the twenty-fifth district, died December 21, 1979.

THOR HARTMAN GRONVOLD, who served in the Thirty-second Legislative Assembly, from the forty-second district, died December 1, 1980.

CHARLES F. KARABENSH, who served in the Thirty-sixth and Thirty-seventh Legislative Assemblies, from the thirtieth district, died March 29, 1979.

JESS M. JOINER, who served in the Twenty-sixth and Thirtieth Legislative Assemblies, from the second district, died February 3, 1980.

HARRY C. KOLPIN, who served in the Twenty-eighth Legislative Assembly, from the sixteenth district, died December 6, 1980.

LOUIS LEET, who served in the Twenty-eighth through the Thirty-eighth Legislative Assemblies, from the twenty-first district, died July 29, 1980.

JOHN LEIER, who served in the Thirty-first through the Thirty-third Legislative Assemblies, from the twentieth district, died October 20, 1980.

ARTHUR W. LUICK, who served in the Twenty-ninth through the Thirty-first Legislative Assemblies, from the twenty-fifth district, died September 16, 1980.

ADRIAN O. MCLELLAN, who served in the Thirty-second and Thirty-third Legislative Assemblies, from the ninth district, died June 4, 1979.

CARL A. MEYER, who served in the Thirty-sixth through the Thirty-ninth, and the Forty-second and Forty-third Legislative Assemblies, from the thirty-fifth district, died April 15, 1979.

ADIN MILLER, who served in the Thirty-seventh through the Thirty-ninth Legislative Assemblies, from the thirty-ninth district, died April 18, 1979.

ARTHUR NYSTROM, who served in the Twenty-sixth through the Twenty-ninth Legislative Assemblies, from the thirty-second district, died August 26, 1980.

ALBERT J. SANDNESS, who served in the Twenty-seventh through the Twenty-ninth Legislative Assemblies, from the twenty-fourth district, died August 21, 1979.

ROY M. SNOW, who served in the Thirty-first through the Thirty-fifth Legislative Assemblies, from the thirty-ninth district, died July 6, 1979.

JOHN H. SOMMER, who served in the Thirty-second through the Thirty-fourth Legislative Assemblies, from the first district, died April 4, 1980.

HARRY WADESON, who served in the Thirtieth through the Thirty-second Legislative Assemblies, from the eleventh district, died May 29, 1980.

SALMER WESTLIND, who served in the Thirty-sixth Legislative Assembly, from the twenty-second district, died December 5, 1980.

WHEREAS, today, we, as members of the House of Representatives of the Forty-seventh Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contribution to their fellowmen and their communities;

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

That we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the journal of the House of Representatives and that duly enrolled copies of this

resolution be presented by the Secretary of State to the surviving families of these deceased representatives.

SECOND READING OF
HOUSE MEMORIAL RESOLUTION NO. A

House Memorial Resolution No. A. — A memorial resolution for deceased members of the House of Representatives of the State of North Dakota.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution.

So the House Memorial Resolution No. A was declared adopted on a voice vote.

Selection: "The Lord's Prayer" was sung by Rep. Alice Olson, accompanied by Mrs. Oben Gunderson.

Selection: Minot Air Force Base Choir

Benediction: Rev. Ira Herzberg.

MOTION

Rep. Strinden moved that the House stand in recess for fifteen minutes, which motion prevailed.

The House reconvened pursuant to recess taken, with Speaker Peterson presiding.

APPOINTMENT OF CONFERENCE COMMITTEES

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2078:

Rep. Conmy

Rep. Houmann

Rep. Matchie

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2101:

Rep. Knudson

Rep. Schindler

Rep. I. Jacobson

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2161:

Rep. Wentz

Rep. Conmy

Rep. E. Pomeroy

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2201:

Rep. Olafson

Rep. Kent

Rep. L. Hanson

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2291:

Rep. Martinson

Rep. Zimbleman

Rep. Matchie

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2122:

Rep. Black

Rep. Boyum

Rep. Kelly

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2132:

Rep. Reed

Rep. Reiten

Rep. Hoffner

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2306:

Rep. Hill

Rep. Reed

Rep. Matchie

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2313:

Rep. Richie

Rep. Gates

Rep. Sorum

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2370:

Rep. Hill

Rep. D. Olson

Rep. Sorum

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2389:

Rep. Houmann

Rep. Richie

Rep. E. Pomeroy

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2417:

Rep. O. Hanson

Rep. Knudson

Rep. Dotzenrod

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2428:

Rep. Moore

Rep. A. Olson

Rep. Berg

Speaker Peterson appointed the following to a Conference Committee on Senate Bill No. 2431:

Rep. Boyum

Rep. C. Anderson

Rep. Heigaard

Speaker Peterson appointed the following to a Conference Committee on Senate Concurrent Resolution No. 4067:

Rep. Reed

Rep. Houmann

Rep. Heigaard

MOTIONS

Rep. Strinden moved that that portion of House Rule No. 507 pertaining to the deadline by which all Senate Bills and Resolutions must be reported back to the House from committee be suspended and that the date be extended from the Fifty-first Day to the Fifty-fourth Legislative Day, Monday, March 23, 1981, which motion prevailed.

Rep. Strinden moved that the House reconsider its action whereby Senate Bill No. 2204 failed to pass, which motion prevailed.

Rep. Strinden moved that Senate Bill No. 2204 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2224. — A Bill for an Act providing for fiscal notes on

legislative measures and administrative rules causing a fiscal impact on counties and cities, and establishing procedures therefor; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were yeas, 42; nays, 57; absent and not voting, 1.

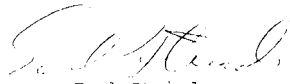
| REGULAR SESSION | | | ROLL CALL | | | 1981 LEGISLATURE | | |
|--------------------|-----|------|------------------|-----|------|-------------------|-----|--------------|
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| • ANDERSON, C. #7 | | | HOFFNER | • | | • METZ | | • THOMPSON |
| • ANDERSON, R. #36 | | | HORGAN | | | • MEYER | • | TIMM |
| • BACKES | | | • HOUMANN | | | • MOORE | • | UNHJEW |
| • 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 | | |
| • 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 | • | | • WARSDEN | • | | • RICHARD | | |
| • HANSON, L. #48 | | | • MARTIN | | | • RICHIE | | |
| • HANSON, O. #2 | | | • MARTINSON | | | RIEHL | • | |
| • HAUGLAND | • | | • MATHIE | | | RUED | • | |
| • HAUSAUER, A. #49 | • | | • MATHENY | | | • SCHINDLER | • | |
| • HAUSAUER, R. #25 | • | | MATTSON | • | | SOLBERG | • | |
| • HEDSTROM | | | • MEIERS | | | • SORUM | | |
| • HEIGAARD | | | • MELBY | | | STRINDEN | • | |
| • HILL | | | MERTENS | • | | SWIONTEK | • | |

So the bill was declared lost.

REPORT OF PROCEDURAL COMMITTEES

Mr. Speaker : Your Procedural Committee on Delayed Bills

recommends that HB No. 1657 be introduced.



Earl Strinden

Chairman

Rep. Kretschmar

moved that the report be adopted, which motion

prevailed and the report was adopted.

FIRST READING OF HOUSE BILLS

Rep. Strinden introduced:

House Bill No. 1657. — A Bill for an Act to authorize the director of institutions to enter into contractual or lease agreements allowing the extraction of gravel or other commercial materials on state penitentiary land; permitting the acquisition of replacement lands; providing for the disposition of proceeds for such agreements; and providing an appropriation.

Was read the first time.

ANNOUNCEMENT

Speaker Peterson announced that House Bill No. 1657 was referred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

Rep. Metz moved that the amendments to House Bill No. 1267 as recommended by the Conference Committee as printed on page 1794 of the House Journal be adopted, which motion prevailed.

Rep. Wagner moved that the amendments to Senate Bill No. 2035 as recommended by the committee on Appropriations as printed on pages 1791 and 1792 of the House Journal be adopted, which motion prevailed.

Rep. Wagner moved that the amendments to Senate Bill No. 2046 as recommended by the committee on Appropriations as printed on page 1792 of the House Journal be adopted, and when so adopted, recommends that Senate Bill No. 2046 Do Not Pass, which motion prevailed.

Rep. Wagner moved that the amendments to Senate Bill No. 2130 as recommended by the committee on Appropriations as printed on page 1793 of the House Journal be adopted, which motion prevailed.

MOTION

Rep. C. Anderson moved that the House reconsider its action by which Senate Bill No. 2195 failed to pass, which motion was ruled out of order by the Speaker with regard to Rule No. 341.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4087. — A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Which was read the first time.

REQUEST

Rep. Strinden requested unanimous consent of the House to amend Senate Concurrent Resolution No. 4087, which request was granted.

MOTION

Rep. Strinden moved that Senate Concurrent Resolution No. 4087 be amended as follows:

On page 2, line 35, delete the numeral 200 and insert in lieu thereof the numeral 225.

On page 3, line 19, delete the numeral 200 and insert in lieu thereof the numeral 225, which motion prevailed.

Rep. Strinden moved that the rules be suspended, that Senate Concurrent Resolution No. 4087, as printed on pages 1280, 1281, and 1282 of the Senate Journal, not be referred to a committee, and be placed on second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4087. — A concurrent resolution authorizing the retention of certain employees of the Senate and House and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were ayes, 97; nays, 0; absent and not voting, 3.

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. #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 | | | | | |
| ● 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 | | | ● LIPSEA | | | ● RICE | | | | | |
| ● GUNSCH | | | ● MARSDEN | | | ● RICHARD | | | | | |
| ● HANSON, L. #48 | | | ● MARTIN | | | ● RICHIE | | | | | |
| ● HANSON, O. #3 | | | ● MARTINSON | | | ● RIEHL | | | | | |
| ● HAUGLAND | | | ● MATHIE | | | ● RUED | | | | | |
| ● HAUSAUER, A. #49 | | | ● MATHENY | | | ● SCHINDLER | | | | | |
| ● HAUSAUER, R. #25 | | | ● MATTSOEN | | | ● SOLBERG | | | | | |
| ● HEDSTROM | | | ● MEIERS | | | ● SORUM | | | | | |
| ● HEIGAARD | | | ● MELBY | | | ● STRINDEEN | | | | | |
| ● MIL | | | ● MERTENS | | | ● SWIONTEK | | | | | |

So the Senate Concurrent Resolution No. 4087 was declared adopted.

MESSAGES FROM THE SENATE
Senate Chamber

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

- House Bill No. 1007
- House Bill No. 1012
- House Bill No. 1014
- House Bill No. 1016
- House Bill No. 1021
- House Bill No. 1028
- House Bill No. 1030
- House Bill No. 1127
- House Bill No. 1197
- House Bill No. 1225
- House Bill No. 1249
- House Bill No. 1277
- House Bill No. 1284
- House Bill No. 1536
- House Bill No. 1651

LEO LEIDHOLM, Secretary

SENATE AMENDMENTS TO HOUSE BILL NO. 1007

- On page 1 of the engrossed bill, line 16, delete the numerals "3,483,529" and insert in lieu thereof the numerals "3,372,975"
- On page 1 of the engrossed bill, line 21, delete the numerals "4,709,682" and insert in lieu thereof the numerals "4,599,128"
- On page 1 of the engrossed bill, line 22, delete the numerals "1,203,697" and insert in lieu thereof the numerals "1,189,897"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,505,985" and insert in lieu thereof the numerals "3,409,231"
- On page 2 of the engrossed bill, delete lines 3 through 12

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes \$110,554, of which \$96,754 is from the general fund and \$13,800 is federal funds, for the noncontributory retirement plan.

SENATE AMENDMENTS TO HOUSE BILL NO. 1012

- On page 1 of the engrossed bill, line 14, delete the numerals "1,016,949" and insert in lieu thereof the numerals "986,136"
- On page 1 of the engrossed bill, line 15, delete the numerals "785,459" and insert in lieu thereof the numerals "773,211"
- On page 1 of the engrossed bill, line 19, delete the numerals "2,992,758" and insert in lieu thereof the numerals "2,949,697"
- On page 1 of the engrossed bill, line 20, delete the numerals "943,157" and insert in lieu thereof the numerals "929,824"
- On page 1 of the engrossed bill, line 21, delete the numerals "2,049,601" and insert in lieu thereof the numerals "2,019,873"
- On page 2 of the engrossed bill, delete lines 14 through 23

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$30,813, of which \$20,542 is from the general fund and \$10,271 is estimated income, to delete funds for the noncontributory retirement plan. The operating expense line item is reduced \$12,248 from the House version, of which \$9,186 is from the general fund and \$3,062 is estimated income, to reflect nine percent per year limitations regarding inflation.

SENATE AMENDMENTS TO HOUSE BILL NO. 1014

- On page 1 of the engrossed bill, line 13, delete the numerals "1,315,281" and insert in lieu thereof the numerals "1,278,150"
- On page 1 of the engrossed bill, line 18, delete the numerals "2,574,671" and insert in lieu thereof the numerals "2,537,540"
- On page 1 of the engrossed bill, line 20, delete the numerals "1,315,913" and insert in lieu thereof the numerals "1,278,782"
- On page 2 of the engrossed bill, line 8, delete the words "Vietnam bonus fund" and insert in lieu thereof the words "sinking fund for the state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series,"
- On page 2 of the engrossed bill, delete lines 11 through 20

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced \$37,131 to delete funds for the noncontributory retirement plan. Also, this amendment provides funds from the Vietnam bonus sinking fund for capital improvements at the Soldiers' Home rather than from the Vietnam bonus fund.

SENATE AMENDMENTS TO HOUSE BILL NO. 1016

- On page 1 of the engrossed bill, line 13, delete the numerals "65,060" and insert in lieu thereof the numerals "62,963"

On page 1 of the engrossed bill, line 18, delete the numerals "968,836" and insert in lieu thereof the numerals "966,739"

On page 2 of the engrossed bill, delete lines 10 through 19

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced \$2,097 to delete funds for the noncontributory plan.

SENATE AMENDMENTS TO HOUSE BILL NO. 1021

On page 1 of the engrossed bill, line 20, delete the numerals "1,270,217" and insert in lieu thereof the numerals "1,229,680"

On page 1 of the engrossed bill, line 23, delete the numerals "1,481,517" and insert in lieu thereof the numerals "1,440,980"

On page 1 of the engrossed bill, line 24, delete the numerals "1,482,717" and insert in lieu thereof the numerals "1,442,180"

On page 2 of the engrossed bill, delete lines 11 through 20

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Parole and Probation Office is decreased by \$40,537 for the removal of funds associated with the state funding a conversion to a noncontributory retirement plan for employees.

SENATE AMENDMENTS TO HOUSE BILL NO. 1028

On page 1 of the engrossed bill, line 14, delete the numerals "152,799" and insert in lieu thereof the numerals "147,737"

On page 1 of the engrossed bill, line 17, delete the numerals "1,024,200" and insert in lieu thereof the numerals "974,200"

On page 1 of the engrossed bill, line 18, delete the numerals "1,263,120" and insert in lieu thereof the numerals "1,208,058"

On page 1 of the engrossed bill, line 20, delete the numerals "305,920" and insert in lieu thereof the numerals "250,858"

On page 2 of the engrossed bill, delete lines 12 through 21

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Council on the Arts is decreased by \$5,062 for the removal of funds associated with the state funding a conversion to a noncontributory retirement plan for employees.

The amendment decreases the grants line item by \$50,000 from the general fund for the additional funds included by the House to provide community development grants to be used to encourage the development of community art programs.

SENATE AMENDMENTS TO HOUSE BILL NO. 1030

On page 1 of the engrossed bill, line 17, delete the numerals "2,952,988" and insert in lieu thereof the numerals "2,868,267"

- On page 1 of the engrossed bill, line 18, delete the numerals "721,878" and insert in lieu thereof the numerals "684,997"
- On page 1 of the engrossed bill, line 22, delete the numerals "4,552,289" and insert in lieu thereof the numerals "4,430,687"
- On page 2 of the engrossed bill, delete lines 11 through 20
- On page 2 of the engrossed bill, line 21, delete the numeral "5" and insert in lieu thereof the numeral "4"
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$84,721 to delete funds for the noncontributory retirement plan. The operating expenses line item is reduced \$36,881 from the House version to reflect nine percent per year limitations regarding inflation.

SENATE AMENDMENTS TO HOUSE BILL NO. 1127

- On page 5 of the engrossed bill, line 7, delete the words "of twenty-five dollars or more" and insert in lieu thereof the words "in excess of one hundred dollars"
- On page 5 of the engrossed bill, line 8, after the word "contributor" delete the word "of" and on line 9, delete the words "twenty-five dollars or more" and insert in lieu thereof the words "in excess of one hundred dollars"

SENATE AMENDMENTS TO HOUSE BILL NO. 1197

- On page 3 of the engrossed bill, line 10, delete the overstrike on the words "~~receipt-of-such~~"
- On page 3 of the engrossed bill, line 10, delete the words "mailing of the"
- On page 3 of the engrossed bill, delete all of lines 12, 13 and 14
- On page 5 of the engrossed bill, line 30, delete the words "of the date of the mailing of the"
- On page 5 of the engrossed bill, line 31, delete the word "notice"
- On page 6 of the engrossed bill, line 16, delete the words "of the opportunity for hearing and"

SENATE AMENDMENTS TO HOUSE BILL NO. 1225

- On page 10 of the engrossed bill, line 25, delete the word "ten" and insert in lieu thereof the word "thirty-five"
- On page 40 of the engrossed bill, delete lines 25 through 30
- On page 40 of the engrossed bill, line 31, delete the numerals "16.1-10-04" and insert in lieu thereof the numerals "16.1-10-03"
- On page 41 of the engrossed bill, line 7, delete the numerals "16.1-10-05" and insert in lieu thereof the numerals "16.1-10-04"
- On page 41 of the engrossed bill, line 15, delete the numerals "16.1-10-06" and insert in lieu thereof the numerals "16.1-10-05"
- On page 41 of the engrossed bill, delete lines 16 through 27 and insert in lieu thereof the following:
1. No person shall, within three hundred feet of a polling place, solicit, or in any manner try to

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induce or persuade any voter on an election day, to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or for or against any measure submitted to the electorate. No person shall buy, sell, give, or provide any political badge, button, or insignia, or any pamphlet, brochure, or political advertisement of any nature within three hundred feet of polling place on election day. No person shall knowingly wear such badge, button, or insignia at or about a polling place on election day.

2. The display upon motor vehicles of adhesive signs which are not readily removable, or political advertisements on fixed permanent billboards, and which promote the candidacy of any individual, any political party, or a vote upon any measure shall not, however, be deemed a violation of this section.
3. Any person violating this section shall be guilty of an infraction."

On page 41 of the engrossed bill, line 28, delete the numerals "16.1-10-07" and insert in lieu thereof the numerals "16.1-10-06"

On page 42 of the engrossed bill, line 3, delete the numerals "16.1-10-08" and insert in lieu thereof the numerals "16.1-10-07"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1249

On page 1, line 2, after the word "provide" delete "twelve" and insert the word "nine"

On page 2, line 8, after the word "~~six~~" delete the word "twelve" and insert the word "nine"

On page 3, line 6, after the word "~~six~~" delete "twelve" and insert "nine" and on the same line after "~~46%~~" delete "12%" and insert "9%"

SENATE AMENDMENTS TO HOUSE BILL NO. 1277

On page 1368 of the Senate journal, following the fifth printed line in section 6 of the amendment, insert the following new subsection:

- "2. No person, except a member of an eligible organization or a member of an organization auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this Act."

On page 1369 of the Senate journal, delete subsection 2 of section 7 of the amendment, consisting of printed lines 5 through 9

On page 1369 of the Senate journal, section 10 of the amendment, line 5, after the word "premises" and before the comma insert the words "or authorized site"

And renumber the lines, subsections, and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1277

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to allow nonprofit

veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo, raffles, pull tabs, jars, punchboards, sports pools and twenty-one; and to provide for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games, bookkeeping requirements, expense requirements, a tax based on adjusted gross proceeds, examination of books and records, licensure of distributors, form and display of licensure, and rules; to provide a penalty; and to provide an expiration date.

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

SECTION 1. DEFINITIONS.

1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandise prizes.
2. "Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.
3. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years.
4. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, which shall have existed in this state for two years. "Civic and service club" also means a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.
5. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this Act, to an organization licensed or authorized to conduct such games of chance under this Act. "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization.
6. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are:
 - a. Uses benefiting those organizations which

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are exempt from federal taxation under section 501(c) (3) of the Internal Revenue Code.

- b. Uses benefiting an organization registered with the North Dakota secretary of state under chapter 50-22.
- c. Uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them of disease, suffering, or constraint.
- d. Fraternal uses specified by an organization's constitution, charter, or bylaws not of direct benefit to the eligible organization or any member thereof.
- e. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof.
- f. The erection or maintenance of public buildings or works.
- g. Uses otherwise lessening the burden of government.
- h. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
- i. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the stated uses. Uses shall not include any activities consisting of attempts to influence legislation or participation in any political campaign on behalf of any active official or person who is or has been a candidate for public office.

- 7. "Educational organization" means any nonprofit public or private elementary or secondary school in this state which has been in existence for two years.
- 8. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and other public-spirited organizations as defined by this Act, which may be licensed by the attorney general or authorized by the governing body of a city or county to conduct games of chance under this Act.
- 9. "Entire net proceeds" or "net proceeds" means the adjusted gross proceeds less such expenses, charges, fees, and deductions as are specifically authorized under this Act.

10. "Fraternal organization" means a nonprofit organization within this state, except college and high school fraternities, which is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. Such organization shall have existed within this state for two years.
11. "Gross proceeds" means all moneys collected or received from games of chance and admissions thereto.
12. "Licensee" means an eligible organization licensed under the provisions of this Act.
13. "Licensing authority" means the attorney general.
14. "Member" means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. "Member" includes auxiliary members, but excludes social and honorary members.
15. "Other public-spirited organization" means a nonprofit organization recognized by the governing body of a city or county by resolution as public-spirited and eligible to conduct games of chance under this Act.
16. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances which has been so gathered or united in this state for two years.
17. "Veterans organization" means any congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organizations shall have been in existence in this state for two years.

SECTION 2. ORGANIZATIONS ELIGIBLE UNDER ACT - USE OF NET PROCEEDS. Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those terms are defined by this Act, are eligible to conduct games of chance under the conditions of this Act. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act. Notwithstanding any other provision of this Act, an eligible organization, which has not been licensed by the attorney general, may use the net proceeds of such games of chance to directly benefit the eligible organization; however, none of the proceeds may be used for capital improvements or the purchase of furnishings. For purposes of this section, a capital improvement is defined as the construction, renovation, remodeling or repair of a building which tends to enhance its value, beauty or utility or to adapt it for further purposes. For purposes of this section, a furnishing is defined as furniture, draperies, or equipment.

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SECTION 3. LICENSURE - EXCEPTIONS FOR RAFFLES - CITY AND COUNTY LICENSURE - FEES - SUSPENSION AND REVOCATION.

1. Eligible organizations desiring to conduct games of chance shall annually apply for a license from the attorney general before July first on forms provided by the attorney general and shall include with the application a fifty dollar license fee. However, an eligible organization desiring to conduct only a raffle in which the primary prize does not exceed one thousand dollars, and the aggregate does not exceed two thousand dollars, shall apply directly to the governing body of the city in which it conducts its principal activities or, if its principal activities are conducted within a county but outside the limits of a city, it shall apply to the board of county commissioners for a license. Applications for the conduct of raffles subject to authorization by a city or county shall be made on forms provided by the attorney general and shall be accompanied by a ten dollar permit fee payable to the city or county governing body.
2. The attorney general shall license such organizations which conform to the requirements of this Act by issuing licenses as follows:
 - a. A class A license to an eligible organization licensed as a retail alcoholic beverage dealer in North Dakota that maintains a building for the use of its members and guests, and that offers meals or liquor or both as part of its operation.
 - b. A class B license to any other eligible organization.

The attorney general may deny a class B license to an otherwise eligible organization if the organization is connected, directly or indirectly, to the holder of a North Dakota retail alcoholic beverage license.

3. Games of chance shall be operated or conducted only on premises or sites set forth in the application as follows:
 - a. Class A license applicants shall be limited to one location. A special permit for an alternate location may be granted by the attorney general for a single specific occasion upon written request.
 - b. Class B license applicants shall first secure approval of the proposed site or sites on which it intends to conduct games of chance under this Act from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are located. This approval or permit, which may be granted at the discretion of the governing body, must accompany the license application to the attorney general. The governing body may charge a ten dollar fee for this permit.
 - c. Rented premises shall be subject to rules adopted by the attorney general.
 - d. Only one eligible organization at a time may conduct games of chance at a specific location.

- e. Licenses rules of play and state identification devices shall be displayed on forms and in the manner specified in rules adopted by the attorney general.
4. The attorney general shall have the power, on his or her motion, based on reasonable ground or upon written complaint, to suspend or revoke, under the provisions of chapter 28-32, any license granted under this Act for violations by the licensee, or any officer, director, agent, member, or employee of the licensee, of this Act or any rule or regulation adopted under this Act.

SECTION 4. COLLEGE FRATERNITIES AND SORORITIES ALLOWED TO CONDUCT RAFFLES - USE OF PROCEEDS. A college fraternity or sorority recognized by the administration of a North Dakota college or university shall be eligible to conduct raffles and bingo under the provisions of this Act. The entire net proceeds of such raffles shall be devoted to educational, charitable, patriotic, or other public-spirited uses as defined by this Act.

SECTION 5. CITY APPROVAL FOR RAFFLES. A college fraternity or sorority shall apply in writing to the governing body of the city in which it is located, or to the board of county commissioners where the college is located outside the geographical limits of a city, for permission to conduct a raffle at least thirty days prior to each occasion. The application shall state the time, place, and educational, charitable, patriotic, or other public-spirited uses to which the proceeds will be devoted. The applicant fraternity or sorority shall include a signed acknowledgment by the administration of the college or university that the applicant is a recognized fraternity or sorority. The governing body may at its own discretion, and upon application by a fraternity or sorority, grant permission for raffles and bingo to be held at specifically designated times and places for specific uses covering a one-year period. The governing body may by ordinance or resolution establish authorization fees not to exceed ten dollars for an authorization for one occasion and not to exceed twenty-five dollars for an authorization covering more than one occasion. If the governing body, at its own discretion, chooses to authorize raffles or bingo pursuant to this Act, the governing body may do so by resolution.

SECTION 6. PERSONS PERMITTED TO CONDUCT GAMES OF CHANCE - PREMISES - EQUIPMENT - EXPENSES - COMPENSATION.

1. No person, except a member of an eligible organization, may hold, operate, or conduct any game of chance under this Act.
2. No item of expense incurred in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses in reasonable amounts as provided under section 11. No games of chance shall be conducted with any equipment other than equipment owned by or rented at a reasonable rate from an eligible organization.
3. The governing board of an eligible organization shall be primarily responsible for the proper determination and distribution of the entire net proceeds of any game of chance held in accordance with this Act.
4. The premises where any game of chance is being

held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by the licensing authority, its agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.

5. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.
6. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.
7. The entire net proceeds derived from the holding of games of chance must be devoted within three months from the date such proceeds were earned to the uses permitted by this Act. Any organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.
8. Only the members of an organization licensed as a class A licensee by the attorney general under this Act and their spouses and bona fide guests may participate in playing games of chance conducted by such licensed organization.
9. No person, firm, corporation, association, or organization convicted of a felony or a class A misdemeanor, or determined by the attorney general to have participated in organized crime or unlawful gambling, shall be permitted to sell, distribute, conduct, or assist in games of chance under this Act.

SECTION 7. GAMES OF CHANCE ALLOWED. Eligible organizations shall be permitted to conduct the following games of chance:

1. Eligible organizations licensed by the attorney general shall be permitted to conduct bingo, raffles, pull tabs, jars, punchboards, twenty-one, and sports pools for professional sports only.
2. Eligible organizations authorized by the governing body of a city or county may conduct bingo, raffles, pull tabs, jars, punchboards, twenty-one, and sports pools for professional sports only.
3. College fraternities or sororities may conduct raffles and bingo.

SECTION 8. PUNCHBOARDS AND JARS - SALE OF CHANCES. No person or organization engaged in the selling of chances from jars or punchboards under this Act shall discard the chances from any jar or punchboard once the contents of such jar or punchboard are offered for sale to eligible participants, unless all of the highest denomination of winners have been sold.

SECTION 9. SPORTS POOLS - CONTROL BY LICENSEE - RULES POSTED. Any licensee or other eligible organization may allow the playing of sports pools on the

premises or authorized site. Sports pools shall be allowed for professional sports only. If sports pools are allowed, they shall be conducted and controlled by the licensee or other eligible organization. Any rules affecting the conduct of sports pools or requirements of participants shall be clearly posted. The maximum wager on any sports pool shall not exceed five dollars. The amounts paid to sports pool participants in prizes shall not exceed two-thirds of the gross proceeds.

SECTION 10. TWENTY-ONE - SALE OF CHIPS - REDEMPTION - WAGER - LIMIT - RULES OF PLAY. Any licensee or other eligible organization may conduct and control the playing of the card game twenty-one on the licensee's or eligible organization's premises, but at no other location. No money shall be allowed on the table. The licensee or eligible organization shall provide playing chips of various denominations to the participants. Chips shall be redeemed by the licensee or eligible organization for their full value. A maximum limit per wager shall be two dollars and no player may play more than two hands. Only the player actually playing a hand may place a wager on any hand. Twenty-one is a card game played by a maximum of seven players and one dealer. The dealer shall be a representative of the eligible organization sponsoring the game of chance. All players play their hand against the dealer's hand. In order to remain in the hand being dealt, neither the player nor the dealer may play a hand with a count greater than twenty-one. A count of twenty-one obtained with two cards is termed a natural twenty-one and is entitled to an automatic pay out. In the case of matching or tie count between the player and the dealer no winner is declared and both persons keep their wager. Each licensee or eligible organization conducting twenty-one shall post rules relating to the conduct of the game in a conspicuous location near where the game is played.

SECTION 11. STATEMENT OF RECEIPTS - EXPENSES.

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of less than one hundred dollars paid immediately, shall be deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.
2. No part of the net proceeds after they have been given over to another organization shall be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.
3. No item of expense incurred in connection with holding, operating, or conducting any game of chance pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance. Bona fide expenses shall not include overhead, capital costs, and general maintenance. Total expenses for games of chance shall not exceed

thirty-five percent of the total adjusted gross proceeds from each such occasion. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act without any reduction for taxes.

4. Expense payments for games of chance deductible from adjusted gross proceeds shall be made only for the following purposes:
 - a. The purchase of necessary goods, wares, and merchandise.
 - b. The securing of services reasonably necessary for repair of equipment, and for operating or conducting games of chance.
 - c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
 - d. For accountant's fees.
 - e. For license fees.

SECTION 12. TAX BASED ON ADJUSTED GROSS PROCEEDS.

A tax of five percent of the total adjusted gross proceeds received by a licensed eligible organization shall be paid to the licensing authority for deposit in the general fund on a quarterly basis in such manner and upon such forms as shall be prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act without any reduction for expenses.

SECTION 13. EXAMINATION OF BOOKS AND RECORDS. The licensing authority and its agents, and representatives of the governing body of a city or county with respect to eligible organizations authorized by that governing body, shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this Act to the extent that such books and records relate to any transaction connected with holding, operating, or conducting any game of chance.

SECTION 14. DISTRIBUTORS - LICENSURE. Every distributor shall annually apply for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit a one thousand dollar license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require.

Every nonresident manufacturer or distributor of raffle tickets or equipment for games of chance doing business in this state shall appoint a North Dakota agent who shall be licensed as a distributor. No distributor shall sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to eligible organizations.

Every eligible organization shall acquire all raffle tickets or equipment for games of chance from a distributor licensed under this Act, unless the raffle tickets or equipment for games of chance are printed, manufactured, or constructed by the eligible organization or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization. At no time shall any eligible organization print, manufacture, or construct any raffle tickets or equipment for games of chance for sale to any other eligible organization.

No licensed or authorized eligible organization

shall be a distributor. No distributor may be a wholesaler of liquor or alcoholic beverages.

The attorney general shall have the power, on his own motion based on reasonable grounds or on written complaint, to suspend or revoke a license in accordance with chapter 28-32 for violation, by the licensee or any officer, director, agent, member, or employee of the licensee, of this Act or any rule adopted under this Act.

SECTION 15. FORM AND DISPLAY OF LICENSE. Each license or authorization required under this Act shall contain a statement of the name and address of the licensee or authorized eligible organization and such other information as the licensing or authorizing authority may designate.

Each license or resolution issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during any game of chance and for at least thirty minutes thereafter. The sale of a raffle ticket shall not require the display of the license or authorizing resolution.

SECTION 16. VIOLATION OF ACT - MISDEMEANOR - FORFEITURE OF LICENSE - INELIGIBILITY FOR YEAR. Any person who knowingly makes a false statement in any application for a license or authorizing resolution or in any statement annexed thereto, or who fails to keep sufficient books and records to substantiate the receipts, expenses, or uses resulting from games of chance conducted under this Act, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance, or who violates any of the provisions of this Act, any rule adopted under this Act, or of any term of a license shall be guilty of a class A misdemeanor. If convicted, such organization or person shall forfeit any license or authorizing resolution issued to it pursuant to this Act and shall be ineligible to reapply for a license or authorization for two years thereafter.

SECTION 17. RULES. The licensing authority shall adopt rules in accordance with chapter 28-32, relating to but not limited to methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle tickets, bingo equipment, jars, pull tabs, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purposes of this Act; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act; to define capital improvements and furnishings; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; and to seek to prevent or detect unlawful gambling activity.

SECTION 18. EXPIRATION DATE. The provisions of this Act shall expire at twelve midnight on June 30, 1983."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1284

On page 1 of the engrossed bill, line 11, delete "five" and insert in lieu thereof "two"

On page 1 of the engrossed bill, line 12, delete "one" and insert in lieu thereof "four hundred"

On page 1 of the engrossed bill, line 13, delete "thousand"

and renumber the lines accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1536

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for the assumption of certain functions of the water commission by the state engineer; to create and enact two new sections to chapter 38-08 of the North Dakota Century Code, relating to the enforcement of that chapter and to the transfer of certain equipment and functions from the state geologist to the industrial commission; to amend and reenact sections 38-08-04, 38-08-05, 38-08-07, and 61-14-03 of the North Dakota Century Code, relating to powers and duties of the industrial commission and the issuance of irrigation permits; and to repeal chapter 54-49.1 and section 61-02-20 of the North Dakota Century Code, relating to the establishment of the natural resources council and construction of dams.

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

SECTION 1. AMENDMENT. Section 38-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-04. JURISDICTION OF COMMISSION. The commission has continuing jurisdiction and authority over all persons and property, public and private, necessary to enforce effectively the provisions of this chapter. ~~The state geologist shall act as a supervisor charged with the duty of enforcing the regulations and orders of the commission applicable to the crude petroleum oil and natural gas resources of this state and the provisions of this chapter.~~ The commission has authority, and it is its duty, to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action by the commission. The commission ~~acting through the office of the state geologist~~ has the authority:

1. To require:
 - a. Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas.
 - b. The making and filing with the industrial commission and the state geologist of all resistivity, radioactivity, and mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling, and production; and the filing free of charge of samples and core chips and of complete cores when requested in the office of the state geologist within six months after the completion or abandonment of the well.
 - c. The drilling, casing, operation, and

- plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas stratum, the pollution of fresh water supplies by oil, gas, or salt water, and to prevent blowouts, cavings, seepages, and fires.
- d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the industrial commission of the state of North Dakota prescribed to govern the production of oil and gas on state and private lands within the state of North Dakota.
 - e. That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the commission.
 - f. The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios.
 - g. Certificates of clearance in connection with the transportation or delivery of oil, gas, or any product.
 - h. Metering or other measuring of oil, gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other places.
 - i. That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may prescribe with respect to such oil or gas or the products thereof.
2. To regulate:
 - a. The drilling, producing, and plugging of wells, and all other operations for the production of oil or gas.
 - b. The shooting and chemical treatment of wells.
 - c. The spacing of wells.
 - d. Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations.
 - e. Disposal of salt water and oil field wastes.
 3. To limit and to allocate the production of oil and gas from any field, pool, or area and to establish and define as separate marketing districts those contiguous areas within the

state which supply oil and gas to different markets, and to limit and allocate the production of oil and gas for each separate marketing district.

4. To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.
5. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter.

SECTION 2. AMENDMENT. Section 38-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-05. DRILLING PERMIT REQUIRED. It shall be unlawful to commence operations for the drilling of a well for oil or gas without first giving to the state geologist industrial commission notice of intention to drill, or without first obtaining a permit from the state geologist, under such rules and regulations as may be prescribed by the commission and paying to the commission a fee for each such well in an amount to be prescribed by the commission.

SECTION 3. AMENDMENT. Section 38-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-07. COMMISSION SHALL SET SPACING UNITS. The commission shall set spacing units as follows:

1. When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the commission shall establish spacing units for a pool. Spacing units when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above mentioned, the commission is authorized to divide any pool into zones and establish spacing units for each zone, which units may differ in size and shape from those established in any other zone.
2. The size and shape of spacing units are to be such as will result in the efficient and economical development of the pool as a whole.
3. An order establishing spacing units for a pool shall specify the size and shape of each unit and the location of the permitted well thereon in accordance with a reasonably uniform spacing plan. Upon application, if the state-geologist commission finds that a well drilled at the prescribed location would not produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, the state-geologist commission is authorized to enter an order permitting the well to be drilled at a location other than that prescribed by such spacing order; however, the state-geologist commission shall include in the order suitable provisions to prevent the production from the spacing unit of more than its just and equitable share of the oil and gas in the pool. Any-such-order-of-the-state-geologist-allowing-exceptions-to-the-established-spacing-pattern-may-be-appealed-within-a-reasonable-time-to-the-commission-by-filing-such-an-appeal-with-the-commission. Upon-the-filing-of-such-an-appeal-and-after-a

~~due-hearing,-the-commission-may-affirm-or
repeal-the-order-of-the-state-geologist-~~

4. An order establishing units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the commission from time to time to include additional areas determined to be underlaid by such pool. When found necessary for the prevention of waste, or to avoid the drilling of unnecessary wells, or to protect correlative rights, an order establishing spacing units in a pool may be modified by the commission to increase or decrease the size of spacing units in the pool or any zone thereof, or to permit the drilling of additional wells on a reasonably uniform plan in the pool, or any zone thereof, or an additional well on any spacing unit thereof.

SECTION 4. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

INDUSTRIAL COMMISSION - PERSONNEL - EQUIPMENT TRANSFER. The industrial commission is authorized to appoint a chief enforcement officer and to set his salary within the limits of legislative appropriations. The industrial commission may designate the state geologist as the chief enforcement officer. With the approval of the industrial commission, the state geologist may appoint an assistant to have primary responsibility for rule enforcement. The industrial commission may, consistent with the provisions of this Act and within the limits of legislative appropriations, make arrangements with the board of higher education for the transfer of equipment, personnel, and material between the commission and the state geologist as necessary to carry out the provisions of this chapter.

SECTION 5. A new section to chapter 38-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

STATE GEOLOGIST TO ASSIST COMMISSION. The state geologist shall furnish the industrial commission with such technical services and assistance as the duties of the office permit.

SECTION 6. STATE ENGINEER TO BE SUBSTITUTED FOR THE WATER COMMISSION.

1. Whenever the term "water conservation commission", "water commission", or "commission", or any derivative of those terms, which when used in context, indicates an intention to refer to that commission regarding those duties specified in sections 61-04-01, 61-04-03, and 61-04-04 and chapters 61-16 and 61-20, shall appear in the North Dakota Century Code, the term "state engineer", or "engineer", as the case may be, shall be substituted therefor. The state engineer shall be substituted for, shall take any action previously to be taken by, and perform any duties previously performed by the water commission under sections 61-04-01, 61-04-03, and 61-04-04 and chapters 61-16 and 61-20.
2. Any legislative measure, enacted by the forty-seventh legislative assembly and referring to the terms "water conservation commission", "water commission", or "commission" and amending any section or

chapter cited in subsection 1 of this section, shall be construed as granting full administrative and enforcement authority to the state engineer.

SECTION 7. Section 61-14-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-14-03. AMOUNT OF WATER FOR IRRIGATION. In the issuance of a permit to appropriate water for irrigation or in the adjudication of the rights to the use of water for such purpose, the amount allowed shall not be in excess of the rate of one cubic foot [28.32 liters] of water per second for each eighty acres [32.37 hectares], for a specified time in each year, or the equivalent thereof, delivered on the land. Provided, that the state engineer may allow a higher rate of diversion where the method of irrigation stipulated in the permit or the type of soil to which the water is to be applied so requires, but in such event, the total amount allowed shall not be in excess of two acre-feet per acre [2,466.96 cubic meters per .40 hectare] delivered to the land for any one irrigation season, and in no case more than can be used beneficially, except that during periods of sufficient water supply the state engineer, ~~with the approval of the state water commission and~~ in accordance with the method of irrigation being used, the type of soil to which the water is to be applied, and other criteria established by the state engineer, may increase the amount of water allowed to three acre-feet per acre [3,700.45 cubic meters per .40 hectare], per irrigation season, for a specified period of time which in no event shall be of greater duration than the period of sufficient water supply.

SECTION 8. REPEAL. Chapter 54-49.1 and section 61-02-20 of the 1979 Supplement to the North Dakota Century Code are hereby repealed."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1651

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the engrossed bill and insert in lieu thereof the following:

"for an Act to create and enact a new section to initiated measure No. 6 as approved at the general election held on November 4, 1980, relating to computation of the average daily production of a well on a property basis; and to amend and reenact subsection 2 of section 3, and section 4 of initiated measure No. 6 as approved at the general election held on November 4, 1980, relating to the exemption of production from stripper well property and the definition of "stripper well property", the definition of "qualified maximum total production" of oil as used in the definition of "average daily production", the definition of "property", and calculation of production on a monthly basis; and to provide an effective date.

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

SECTION 1. AMENDMENT. Subsection 2 of Section 3 of initiated measure No. 6 as approved at the general election held on November 4, 1980, is hereby amended and reenacted to read as follows:

2. The activity of extracting from the earth any oil from a stripper well property.

SECTION 2. AMENDMENT. Section 4 of initiated measure No. 6 as approved at the general election held on November 4, 1980, is hereby amended and reenacted to read as follows:

SECTION 4. DEFINITIONS FOR OIL EXTRACTION TAX. For the purposes of the oil extraction tax law, the following words and terms shall have the meaning ascribed to them in this section:

1. "Oil" ~~shall-mean~~ means petroleum, crude oil, mineral oil, casinghead gasoline, and all liquid hydrocarbons that are recovered from gas ~~by-means-of-a-separator, or-by-other nonmechanical-methods,~~ on the lease incidental to the production of the gas.
2. "Stripper well property" ~~shall-mean-an-oil producing-well~~ means a "property" whose average daily production of oil is ten barrels or less during the calendar quarter year-period for which the exemption in subsection 2 of section 3 of this Act is claimed, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day during any preceding consecutive twelve-month period beginning after December 31, 1972. Wells which did not actually yield or produce oil during the qualifying twelve-month period, including disposal wells, dry wells, spent wells, and shut-in wells, are not production wells for the purpose of determining whether the stripper well property exemption applies.
3. "Average daily production" of a well ~~shall-mean~~ means the qualified maximum total production of oil from the well during a calendar quarter-year month period divided by the number of calendar days in that period; and "qualified maximum total production" of a well ~~shall-mean~~ means that the well must have been maintained at the maximum possible rate of production during the period in accordance with recognized conservation practices and not significantly curtailed by reason of mechanical failure or other disruption of production efficient rate of production as defined and determined by rule adopted by the industrial commission in furtherance of its authority under chapter 38-08.
4. "Royalty owner" ~~shall-mean~~ means an owner of what is commonly known as the royalty interest and shall not include the owner of any overriding royalty or other payment carved out of the working interest.
5. "Property" means the right which arises from a lease or fee interest, as a whole or any designated portion thereof, to produce oil. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

SECTION 3. A new section to initiated measure No. 6

as approved at the general election held on November 4, 1980, is hereby created and enacted to read as follows:

AUTHORITY OF TAX COMMISSIONER TO ACCEPT PRODUCTION REPORTS COMPUTED ON A PROPERTY BASIS. For good cause shown, upon application to the tax commissioner, any person required to file a producer's or purchaser's report may be allowed to compute the average daily production of a well on the basis of the average daily production of the property on which the well is located. However, no well with an average daily production of more than one hundred barrels a day may be included in a property for purposes of determining that property's average daily production; all such wells must be reported on an individual basis.

SECTION 4. EFFECTIVE DATE. This Act shall become effective as of January 1, 1981."

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

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Bill No. 2438

LEO LEIDHOLM, Secretary

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

Senate Bill No. 2239

and the President has appointed as a conference committee to act with a like committee from the House on:

Senate Bill No. 2239

Senator Moore

Senator Wright

Senator Shablow

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2296

Senate Bill No. 2299

and subsequently passed the same.

Very respectfully,

LEO LEIDHOLM, Secretary

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

House Bill No. 1058

Senators:

Senator Quail

Senator Mutch

Senator Grotberg

House Bill No. 1095

Senators:

Senator Goodman

Senator Wright

Senator Shablow

House Bill No. 1132

Senators:
Senator Cussons
Senator Peterson
Senator Grotberg
House Bill No. 1189

Senators:
Senator Parker
Senator Tennesos
Senator Grotberg
House Bill No. 1227

Senators:
Senator Lips
Senator Hanson
Senator Tallackson
House Bill No. 1231

Senators:
Senator Holmberg
Senator Sorum
Senator Lashkowitz
Very Respectfully,

LEO LEIDHOLM, Secretary

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

House Bill No. 1411

Senators:
Senator Stenehjem
Senator Iszler
Senator Stromme
House Bill No. 1484

Senators:
Senator Parker
Senator Dykshoorn
Senator Mutch
House Bill No. 1568

Senators:
Senator Mutch
Senator R. Christensen
Senator Parker
Very Respectfully,

LEO LEIDHOLM, Secretary

MESSAGES TO THE SENATE
House Chamber

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

Senate Bill No. 2214

Reps.:
Rep. Nicholas
Rep. Moun
Rep. Meyer

Senate Bill No. 2228

Reps.:
Rep. Retzer
Rep. Vig
Rep. Koski

Senate Bill No. 2432
 Reps. :
 Rep. Nicholas
 Rep. Moum
 Rep. Meyer
 Very respectfully,

ROY GILBREATH, Chief Clerk
 House Chamber

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

Senate Bill No. 2078

Reps. :
 Rep. Conmy
 Rep. Houmann
 Rep. Matchie

Senate Bill No. 2101

Reps. :
 Rep. Knudson
 Rep. Schindler
 Rep. I. Jacobson

Senate Bill No. 2122

Reps. :
 Rep. Black
 Rep. Boyum
 Rep. Kelly

Senate Bill No. 2132

Reps. :
 Rep. Reed
 Rep. G. Reiten
 Rep. Hoffner

Senate Bill No. 2161

Reps. :
 Rep. Wentz
 Rep. Conmy
 Rep. E. Pomeroy

Senate Bill No. 2201

Reps. :
 Rep. Olafson
 Rep. Kent
 Rep. L. Hanson

Very respectfully,

ROY GILBREATH, Chief Clerk
 House Chamber

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

Senate Bill No. 2291

Reps. :
 Rep. Martinson
 Rep. Zimbleman
 Rep. Matchie

Senate Bill No. 2306

Reps. :
 Rep. Hill
 Rep. Reed

Rep. Matchie
 Senate Bill No. 2313
 Reps.:
 Rep. Richie
 Rep. Gates
 Rep. Sorum
 Senate Bill No. 2370
 Reps.:
 Rep. Hill
 Rep. Dan Olson
 Rep. Sorum
 Senate Bill No. 2389
 Reps.:
 Rep. Houmann
 Rep. Richie
 Rep. E. Pomeroy
 Senate Bill No. 2417
 Reps.:
 Rep. O. Hanson
 Rep. Knudson
 Rep. Dotzenrod
 Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2428
 Reps.:
 Rep. Moore
 Rep. A. Olson
 Rep. Berg
 Senate Bill No. 2431
 Reps.:
 Rep. Boyum
 Rep. C. Anderson
 Rep. Heigaard
 Senate Concurrent Resolution No. 4067
 Reps.:
 Rep. Reed
 Rep. Houmann
 Rep. Heigaard
 Very respectfully,

ROY GILBREATH, Chief Clerk

MOTIONS

Rep. Kretschmar moved that the absent member be excused, which motion prevailed.

Rep. Kretschmar moved that the House be on the fifth order of business, and at the conclusion of the fifth order, that the House stand adjourned until 9:00 a.m., Thursday, March 19, 1981, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on STATE AND FEDERAL GOVERNMENT

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to whom was referred _____ HOUSE _____

Bill No. 1656 _____, has had the same under consideration and recommends, by a vote of

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

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

_____ Chairman
Rep. Martinson
HOUSE Bill No. 1656 _____ was placed on the 11th
order of business on the calendar for the succeeding legislative day.

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

Bill No. 2081 _____, has had the same under consideration and recommends, by a vote of

Ayes, 17 _____; 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 of the engrossed bill, line 5, delete the first word "and"

On page 1 of the engrossed bill, Line 7 after the word "purchases" insert the words "; and to provide an appropriation"

On page 1 of the engrossed bill, following line 27 insert the following Section:

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the department of accounts and purchases for the purpose of revising the state accounting system 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 not pass.

_____ Chairman
VERNON E. WAGNER
SENATE Bill No. 2081 _____ 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. 2202 _____, 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.

_____ Chairman
REP. VERNON E. WAGNER
SENATE Bill No. 2202 _____ was placed on the 14th
order of business on the calendar for the succeeding legislative day.

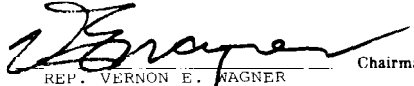
WEDNESDAY, MARCH 18, 1981

1855

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

Bill No. 2203, has had the same under consideration and recommends, by a vote of
Ayes, 15; Nays, 3; Absent, 1, that the same

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


Chairman

SENATE REP. VERNON E. WAGNER
Bill No. 2203 was placed on the 14th
order of business on the calendar for the succeeding legislative day.

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

Bill No. 2207, has had the same under consideration and recommends, by a vote of
Ayes, 18; Nays, 1; Absent, 0, that the same

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

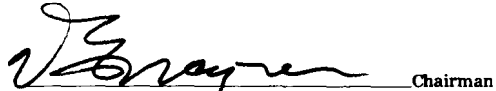
be amended as follows:

On page 1, line 18, delete the words "Vietnam veterans adjusted compensation" and insert in lieu thereof the words "sinking fund for the state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series"

On page 1, line 19, delete the word "fund"

And renumber the lines accordingly

And when so amended, recommends the same do pass.


Chairman

SENATE VERNON E. WAGNER
Bill No. 2207 was placed on the 6th
order of business on the calendar for the succeeding legislative day.

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

Bill No. 2233, has had the same under consideration and recommends, by a vote of
Ayes, 12; 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 3 of the engrossed bill, delete the word "and" and after "10-06-14" insert ", 10-06-15"

On page 1, line 12 of the engrossed bill, delete the second semicolon and the words "and declaring" and insert in lieu thereof a period

On page 1 of the engrossed bill, delete line 13

On page 2, line 17 of the engrossed bill, overstrike the word "stockholders" and insert in lieu thereof "shareholders"

On page 3, after line 11 of the engrossed bill, insert the following subsection language: "Neither a trust nor an estate may be a

shareholder if the beneficiaries of the trust or the estate together with the other shareholders and members are more than fifteen in number."

- On page 3, line 16 of the engrossed bill, delete the word "stockholders" and insert in lieu thereof "shareholders"
- On page 3, line 31 of the engrossed bill, after the word "corporation", insert the following phrase: "owning or leasing land used for farming or ranching or"
- On page 4, line 5 of the engrossed bill, after the word "farming", insert the words "or ranching"
- On page 5, line 2 of the engrossed bill, following the period, insert the following: "The names and addresses and relationships of beneficiaries of trusts and estates must also be included in the report."
- On page 6, line 33 of the engrossed bill, following the comma, insert the following: "or that a corporation is conducting the business of farming or ranching in violation of this chapter,"
- On page 7, line 1 of the engrossed bill, delete the following: "owning or leasing" and insert in lieu thereof "shall, within the time set by the court not to exceed one year from the date of the court's final order, divest itself of any farming or ranching land owned or leased by it in violation of this chapter, and cease all farming and ranching operations. Any corporation that fails to comply with the court's order shall be dissolved by the secretary of state."
- On page 7 of the engrossed bill, delete lines 2 through 4
- On page 7, line 5 of the engrossed bill, delete the following: "or ranching purposes.", and delete the following: "three-year" and insert in lieu thereof "divestment"
- On page 7, line 8 of the engrossed bill, after the word "corporation" insert "not authorized to do business under this chapter"; and delete the word "time" and insert in lieu thereof "divestment period"
- On page 7, line 34 of the engrossed bill, delete "10-06-12" and insert in lieu thereof "10-06-13"
- On page 8, after line 7 of the engrossed bill, insert the following new section:
- "SECTION 12. Section 10-06-15 of the North Dakota Code is hereby created and enacted to read as follows:

10-06-15. PROTECTION OF MINORITY SHAREHOLDERS. If a shareholder owns less than fifty percent of the stock of a farming or ranching corporation doing business under this chapter, and if the terms and conditions for the repurchase of that stock by the corporation or by the other shareholders are not set forth in the bylaws, the instrument which transferred the shares to the shareholder, or are not the subject of a shareholders' agreement or an agreement between that shareholder and the corporation, then the disposition of such stock shall be determined by this section upon the withdrawal of the shareholder. Any shareholder who desires to withdraw from the corporation shall first offer the shares of stock for sale to the remaining shareholders in proportion to the shares owned by them. In the event not all of the shareholders wish to purchase the stock, any one shareholder can purchase all of the withdrawing shareholder's stock. In the event no shareholder desires to purchase the stock of a withdrawing shareholder, then the corporation itself may purchase the stock. In the event the corporation chooses not to purchase the stock of the withdrawing shareholder, then the withdrawing shareholder may sell the stock to any other person eligible to be a shareholder. In the event the withdrawing shareholder is unable to sell the stock to any other person eligible to become a shareholder, then the withdrawing shareholder may bring an action in district court to dissolve the corporation. The court, upon a finding that the withdrawing

shareholder cannot sell the stock at a fair price, shall enter an order directing that the corporation itself or any or all of the remaining shareholders pro rata or otherwise shall have twelve months from the date of the court's order to purchase the withdrawing shareholder's stock at a fair price as determined by the court and that if the stock of the withdrawing shareholder is not completely purchased at said price, the corporation shall be dissolved and the assets of the corporation shall be first used to pay all the liabilities of the corporation with the remaining net assets to be distributed pro rata to the shareholders in proportion to their stock ownership. For the purpose of this section, a "fair" price for the withdrawing shareholder's stock shall be determined as though the stock were being valued for federal gift tax purposes under the Internal Revenue Code of 1954, as amended."

On page 8 of the engrossed bill, delete lines 11 through 13

And renumber the lines, sections, subsections, and pages accordingly And when so amended, recommends the same do pass.

Ray Nichols

Chairman

Rep. Nicholas

SENATE

Bill No. 2233

was placed on the 6th

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

Mr. Speaker: Your Committee on FINANCE & TAXATION

to whom was referred SENATE

Bill No. 2249, has had the same under consideration and recommends, by a vote of

Ayes, 11; Nays, 4; 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, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 57-50-01, 57-50-03.1, 57-50-05, and 57-54-08 of the North Dakota Century Code, relating to the production and taxation of synthetic fuels from agricultural products; to repeal sections 4-14.1-04 and 4-14.1-05 of the North Dakota Century Code, relating to meetings, personnel, and expenses of the agricultural products utilization commission; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 4-14.1-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-01. LEGISLATIVE POLICY AND PURPOSE. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by providing a new domestic source sources of energy, and by stimulating the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance in the construction, operation, development, and maintenance of ~~an agriculturally derived alcohol plant~~ agricultural and biomass residue derived fuel plants in North Dakota for the manufacture and marketing of ~~agriculturally-derived alcohol and methane-derived-from agricultural and biomass residue derived fuel and byproducts.~~

SECTION 2. AMENDMENT. Section 4-14.1-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-02. ~~AGRICULTURALLY-DERIVED-ALCOHOL-MOTOR-VEHICLE-FUEL-TAX AGRICULTURAL PRODUCTS UTILIZATION FUND - PURPOSES.~~ There is hereby created in the state treasury, a fund, to be known as the agriculturally-derived-alcohol-motor-vehicle-fuel-tax agricultural products utilization fund, which shall be used to provide a program for the implementation of a state agriculturally-derived-alcohol agricultural and biomass residue derived fuel industry for motor vehicle fuels. The fund shall be used for the following purposes:

1. Establishment, with-cooperation-from-private industry in cooperation with private industry, farm operators, and farm organizations, of procedures and processes necessary to-the manufacture-and-marketing-of-agriculturally-derived-alcohol-blended-fuels-and-motor-vehicle fuels-blended-with-methanol-derived-from biomass-residue for the development of agricultural and biomass residue derived fuel.
2. Establishment of a procedure for entering the agriculturally-derived-alcohol-blended-fuel-and-fuel-blended-with-methanol-derived-from-biomass residue agricultural and biomass residue derived fuel into the marketplace by private enterprise, farm operators, and farm organizations.
3. Analysis of the marketing process and testing of marketing procedures to assure acceptance of agriculturally-derived-alcohol-blended-fuels, motor-vehicle-fuels-blended-with-methanol derived-from-biomass-residue,-and-byproducts resulting-from-their-manufacture, agricultural and biomass residue derived fuel and byproducts in the private marketplace.
4. Cooperation with private industry, farm operators, and farm organizations to establish privately-owned-agriculturally-derived-alcohol agricultural and biomass residue derived fuel manufacturing plants in this state to supply demand for agriculturally-derived-alcohol-and-methanol-derived-from-biomass-residue agricultural and biomass residue derived fuel.
5. Provision of grants to North Dakota institutions of higher learning and private industry to establish programs designed to educate private industry representatives, farm operators, and farm organization representatives in the manufacture and marketing of agricultural and biomass residue derived fuel and byproducts.

SECTION 3. AMENDMENT. Section 4-14.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-03. ~~AGRICULTURAL PRODUCTS UTILIZATION COMMISSION---COMPOSITION---APPOINTMENT FUND - ADMINISTRATION BY COMMISSIONER OF AGRICULTURE - GRANT APPROVAL BY INDUSTRIAL COMMISSION.~~ The agriculturally derived-alcohol-motor-vehicle-fuel-tax agricultural products utilization fund shall be administered by the agricultural-products-utilization-commission-which-is hereby-established---The commission shall consist of seven members-to-be-appointed-by-the-governor-for-terms of-two-years-each,-arranged-so-that-at-least-three-terms

~~expire every year. Four members shall be actively engaged in farming in this state, one member shall be actively engaged in the petroleum industry, and two members shall be actively engaged in business in this state. Commission members may be reappointed to the commissioner. Terms of commissioners shall run from the first day of July of odd-numbered years.~~ commissioner of agriculture. The commissioner shall, within the limits of legislative appropriations and with the approval of the industrial commission, provide grants for educational programs pursuant to subsection 5 of section 4-14.1-02.

SECTION 4. AMENDMENT. Section 57-50-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR - REDUCTION FOR AGRICULTURALLY-DERIVED-ALCOHOL-MOTOR-VEHICLE-FUEL-TAX AGRICULTURAL PRODUCTS UTILIZATION FUND. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the tax commissioner of a claim for refund. Provided, however, the amount of the tax refund provided for in this section shall be reduced by ~~one-eighth~~ one-fourth cent per gallon [3.79 liters], and the ~~one-eighth~~ one-fourth cent per gallon [3.79 liters] withheld from the refund shall be deposited in the ~~agriculturally-derived-alcohol-motor-vehicle-fuel-tax~~ agricultural products utilization fund. However, the amount of tax refund provided for in this section shall not be reduced for any claim for a refund submitted for aviation motor fuel by aircraft users. Those persons who have a valid tax assignment permit issued by the state tax commissioner under the provisions of section 57-50-11.1 shall be charged ~~one-eighth~~ one-fourth cent per gallon [3.79 liters] by the dealer and the ~~one-eighth~~ one-fourth cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

SECTION 5. AMENDMENT. Section 57-50-03.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-03.1. REFUND TO PREVENT DOUBLE TAXATION - REDUCTION FOR AGRICULTURALLY-DERIVED-ALCOHOL-MOTOR-VEHICLE-FUEL-TAX AGRICULTURAL PRODUCTS UTILIZATION FUND. Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by chapter 57-52 or chapter 57-54 has been paid who thereafter removes such fuel from this state to another state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to chapter 57-52 or chapter 57-54. Provided, however, the refund of tax paid pursuant to chapter 57-54 shall be

reduced by the amount provided in section 57-50-01, and the reduction shall be deposited in the ~~agriculturally derived-aleehel-motor-vehicle-fuel-tax~~ agricultural products utilization fund. Such refund shall be granted only upon application to the tax commissioner on forms prescribed by the tax commissioner, including proof of payment of the tax imposed by the other state, and shall be subject to the limitations provided in section 57-50-03. The tax provided for in chapter 57-53 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 6. AMENDMENT. Section 57-50-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-05. REFUND TO STATE OR POLITICAL SUBDIVISION. When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any county, city, township, park district, or other municipality in the state and where public funds of the United States, state, county, city, township, park district, or other municipality are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel shall be subject to a refund of the tax paid thereon as provided for in this chapter and under the same terms and conditions. Provided, however, the refund provided for in this section shall not be reduced ~~for deposit to the agriculturally-derived-aleehel-motor-vehicle-fuel-tax fund~~ by the amount to be deposited in the agricultural products utilization fund pursuant to section 57-50-01.

SECTION 7. AMENDMENT. Section 57-54-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. TAX IMPOSED ON MOTOR VEHICLE FUELS - TAX ~~REDUCED FOR AGRICULTURALLY-DERIVED-ALCOHOL-BLENDED AGRICULTURAL AND BIOMASS RESIDUE DERIVED FUELS~~. There is hereby imposed a tax of eight cents per gallon [3.79 liters] on all motor vehicle fuel sold or used in this state. Provided, however, the tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ~~ethyl~~ alcohol whose purity is at least ninety-nine percent alcohol shall be four cents per gallon [3.79 liters]. The tax imposed by this section shall be collected by the dealer from the consumer on all sales. Sales of fuel in the original package may be made to a licensed dealer, and he shall have the option of collecting the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer shall be liable for the tax thereon.

SECTION 8. AMENDMENT. Section 57-50-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR ~~--REDUCTION FOR AGRICULTURAL PRODUCTS UTILIZATION FUNDS~~. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the tax commissioner of a claim for refund. ~~Provided, however, the amount of the tax refund provided for in this section~~

~~shall be reduced by one-fourth-cent-per-gallon {3.79 liters}, and the one-fourth-cent-per-gallon {3.79-liters} withheld from the refund shall be deposited in the agricultural-products-utilization fund--However, the amount-of-tax-refund-provided-for-in-this-section shall not be reduced for any claim for a refund submitted for aviation-motor-fuel-by-aircraft-users--Those persons who have a valid tax-assignment-permit-issued-by-the-state tax-commissioner-under-the-provisions-of-section 57-50-11.1 shall be charged one-fourth-cent-per-gallon {3.79-liters} by the dealer and the one-fourth-cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.~~

SECTION 9. AMENDMENT. Section 57-50-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-03.1. REFUND TO PREVENT DOUBLE TAXATION
~~--REFUND FOR AGRICULTURAL PRODUCTS UTILIZATION FUND.~~
 Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by chapter 57-52 or chapter 57-54 has been paid who thereafter removes such fuel from this state to another state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to chapter 57-52 or chapter 57-54. ~~Provided, however, the refund of tax paid pursuant to chapter 57-54 shall be reduced by the amount provided in section 57-50-01, and the reduction shall be deposited in the agricultural products utilization fund.~~ Such refund shall be granted only upon application to the tax commissioner on forms prescribed by the tax commissioner, including proof of payment of the tax imposed by the other state, and shall be subject to the limitations provided in section 57-50-03. The tax provided for in chapter 57-53 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 10. AMENDMENT. Section 57-50-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:


57-50-05. REFUND TO STATE OR POLITICAL SUBDIVISION. When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any county, city, township, park district, or other municipality in the state and where public funds of the United States, state, county, city, township, park district, or other municipality are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel shall be subject to a refund of the tax paid thereon as provided for in this chapter and under the same terms and conditions. ~~Provided, however, the refund provided for in this section shall not be reduced by the amount to be deposited to the agricultural-products-utilization fund pursuant to section 57-50-01.~~

SECTION 11. REPEAL. Sections 4-14.1-04 and 4-14.1-05 of the 1979 Supplement to the North Dakota

Century Code are hereby repealed.

SECTION 12. EFFECTIVE DATE. Sections 8 through 10 of this Act shall become effective on July 1, 1983."

And renumber the lines, pages and sections accordingly
And when so amended, recommends the same do pass.

 Chairman
Rep. A. Hausauer

SENATE Bill No. 2249 was placed on the 6th
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on FINANCE & TAXATION

to whom was referred SENATE

Bill No. 2323, 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 of the reengrossed bill, line 4, delete the words "a new" and insert in lieu thereof the following: "five new subsections to section 57-02-01 of the North Dakota Century Code, relating to definitions"
- On page 1 of the reengrossed bill, delete line 5
- On page 1 of the reengrossed bill, line 6, delete the words "provide a property protection clause"
- On page 1 of the reengrossed bill, line 27, delete the words "defined in" and insert in lieu thereof the words "determined pursuant to"
- On page 2 of the reengrossed bill, delete lines 1 through 10
- On page 2 of the reengrossed bill, line 12, delete the words "Agricultural lands are those which are used for raising"
- On page 2 of the reengrossed bill, delete line 13
- On page 2 of the reengrossed bill, line 14, delete the words and period "include platted lands."
- On page 2 of the reengrossed bill, line 21, after the period insert the following new sentence: "For purposes of this section, annual gross return for cropland means thirty percent of annual gross income produced, and annual gross return for land used for grazing farm animals means fifty percent of an amount determined to represent the annual gross income potential of the land which would be produced if the land were used for the growing of hay."
- On page 3 of the reengrossed bill, line 4, after the second quotation marks and before the comma insert the following: "for years after 1983"
- On page 3 of the reengrossed bill, line 15, delete the words "in lieu of farm residences being exempt" and insert in lieu thereof the following sentence: "To find the

"capitalized average annual gross return" for 1981, 1982, and 1983, the average annual gross return shall be capitalized at seven and one-half percent."

On page 3 of the reengrossed bill, delete lines 16 through 21

On page 3 of the reengrossed bill, line 22, delete the following: "tax commissioner, with the"

On page 3 of the reengrossed bill, line 23, delete the words "assistance of the"

On page 3 of the reengrossed bill, line 24, delete the comma

On page 3 of the reengrossed bill, line 26, after the word "basis" insert the following: "and to provide the tax commissioner with this information by December first of each year"

On page 3 of the reengrossed bill, line 27, delete the word "fifteenth" and insert in lieu thereof the word "first"

On page 4 of the reengrossed bill, line 15, delete the numeral "5" and insert in lieu thereof the numeral "7"

On page 8 of the reengrossed bill, after line 27, insert the following new section:

SECTION 5. Five new subsections to section 57-02-01 of the 1979 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"Agricultural property" means lands which are used for raising agricultural crops or grazing farm animals but shall not include platted lands.

"Residential property" means all property, or portions of property, used by an individual or group of individuals as a dwelling, but not including hotel and motel accommodations required to be licensed under chapter 23-09 nor structures providing living accommodations for four or more separate family units.

"Centrally assessed property" means all property except railroad operating property, which is assessed by the state board of equalization pursuant to chapters 57-06 and 57-32.

"Railroad property" means the operating property, including franchises, of each railroad operated in this state including any electric or other street or interurban railway.

"Commercial property" means all property, or portions of property, not included in the above-defined classes of property."

On page 11 of the reengrossed bill, delete lines 4 through 35 and insert in lieu thereof the following:

"57-02-27. PROPERTY TO BE ASSESSED AT A PERCENTAGE OF FULL VALUE - CLASSIFICATION OF PROPERTY - LIMITATION ON ASSESSMENT OF ANNEXED AGRICULTURAL LANDS. All property subject to taxation based on the value thereof shall be assessed ~~at its true and full value in money.~~ as follows:

1. All residential property to be assessed at nine percent of true and full value. If any property is used for both residential and nonresidential purposes, the assessment shall be prorated accordingly.

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- 2. All agricultural property to be assessed at ten percent of true and full value as determined pursuant to section 2 of this Act.
- 3. All commercial and railroad property to be assessed at ten percent of true and full value.
- 4. All centrally assessed property, except railroad property, to be assessed at fourteen percent of true and full value for the 1981 property tax year, thirteen percent of true and full value for the 1982 property tax year, twelve percent of true and full value for the 1983 property tax year, eleven percent of true and full value for the 1984 property tax year, and ten percent of true and full value for all property tax years beginning on or after January 1, 1985.

The resulting amounts shall be known as the assessed valuation. In determining the true and full value of real and personal property, except agricultural property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but he shall value each article or description by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract, or lot of real property, there shall be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands within the corporate limits of a city, ~~whether or which are~~ not platted, shall constitute agricultural property and be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Such valuation shall be uniform with the assessed-value valuation of adjoining unannexed agricultural land."

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass

A. Hausauer
 ----- Chairman
 Rep. A. Hausauer

SENATE Bill No. 2323 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. 2363 has had the same under consideration and recommends, by a vote of

Ayes, 9; Nays, 0; Absent, 7, that the same

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

On page 1, line 1 of the engrossed bill, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a

new subsection to section 39-01-15, a new subsection to section 39-06.1-06, a new subsection to section 39-10-48, and a new subsection to section 39-10-50 of the North Dakota Century Code, relating to parking spaces designated for use by physically handicapped persons on state charitable or penal institution property or on the state capitol grounds, authority of law enforcement officers to enforce traffic and parking violations on state charitable and penal institution property and on the state capitol grounds, to fees assessed for violations, and to envelopes for traffic and parking violations on state charitable and penal institution property or on the state capitol grounds.

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

SECTION 1. A new subsection to section 39-01-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

No person may stop, stand, or park any vehicle in any designated parking space which is reserved for the physically handicapped on any state charitable or penal institution property or on the state capitol grounds unless the vehicle displays a physically handicapped identification certificate or insignia issued by the motor vehicle registrar to a physically handicapped person.

SECTION 2. STATE HIGHWAY DEPARTMENT - PROVISION OF ENVELOPES FOR TRAFFIC AND PARKING VIOLATIONS ON STATE CHARITABLE OR PENAL INSTITUTION PROPERTY OR STATE CAPITOL GROUNDS. The state highway department shall provide preprinted envelopes for any person who elects to post bond by mail, pursuant to section 39-06.1-02, for a violation of section 1 of this Act or any state traffic parking regulations on any state charitable or penal institution property or on the state capitol grounds.

SECTION 3. A new subsection to section 39-06.1-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

For a violation of section 1 of this Act, any municipal ordinance equivalent to section 1 of this Act, or any traffic parking regulations on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars.

SECTION 4. A new subsection to section 39-10-48 of the North Dakota Century Code is hereby created and enacted to read as follows:

Whenever any authorized law enforcement officer finds, on state charitable or penal institution property or on the state capitol grounds, a vehicle standing, stopped, or parked in a dangerous location or in violation of any official traffic control device prohibiting or restricting the stopping, standing, or parking of any vehicle, the officer shall place a written warning on the vehicle for the first offense and thereafter an authorized traffic citation may be issued. However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session.

SECTION 5. A new subsection to section 39-10-50 of the North Dakota Century Code is hereby created and enacted to read as follows:

The state highway department, with respect to

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streets, roadways, and parking areas of any state charitable or penal institution and on the state capitol grounds, may authorize the purchase and placement by the director of institutions of official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles. The placement of signs pursuant to this section shall be done when, in the department's opinion, the stopping, standing, or parking is dangerous or would unduly interfere with the free movement of traffic, especially the free flow of traffic required for proper fire protection. No person may stop, stand, or park any vehicle in violation of the restriction indicated by any official traffic control device. Any registered owner shall be presumed to have been the operator of a vehicle that is parked in violation of any official traffic control device prohibiting or restricting the stopping, standing, or parking of vehicles on any highway, state charitable or penal institution property, or on the state capitol grounds. This presumption may be rebutted by a showing of clear and convincing evidence to the contrary.

However, no traffic citation may be issued for a violation of this subsection occurring on the state capitol grounds during a legislative session."

And renumber the lines and pages accordingly

And when so amended, recommends the same to pass.

 Chairman
Rep. Timm

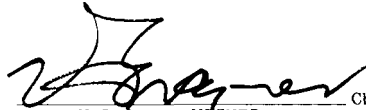
SENATE Bill No. 2363 was placed on the 6th order of business on the calendar for the succeeding legislative day.

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

Bill No. 2415, has had the same under consideration and recommends, by a vote of

Ayes, 17; Nays, 1; Absent, 1, that the same

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

 Chairman

VERNON E. WAGNER
SENATE Bill No. 2415 was placed on the 14th order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Rep. Kretschmar's motion.
ROY GILBREATH, Chief Clerk