

FOURTH DAY

Bismarck, January 9, 1981

The Senate convened at 12:30 p.m., with President Sands presiding.

The prayer was offered by Rev. Donald Andrews, McCabe Methodist Church.

Let us Pray.

Gracious God; You have given us another day to celebrate life. Enable us to open ourselves to your message for these days.

You have given us another day to do our tasks. Enable us to be mindful of the needs of people. As we respond to the cries of education, resources, taxation, energy, fill our hearts with compassion and love.

As we respond to the responsibility placed upon us give us the guidance, insight, courage, and strength to fulfill these responsibilities in a way that will enhance the welfare of the people of this state and Your Creation. As we do this we celebrate and praise Your name. Amen.

The roll was called and all members were present except Senators Barth, Goodman, Sorum, Tallackson, Thane, Walsh and two vacancies.

A quorum was declared by the President.

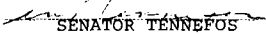
Correction and Revision of The Journal

Mr. President Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Third day and recommends that the same be corrected as follows:

On page 122, line 7, delete Noth and insert in lieu thereof North.

In the Journal of the First Day, page 94, line 6, delete Noth and insert in lieu thereof North.

And when so corrected recommends that the same be approved.

Senator Walsh  Chairman moved that the report be adopted, which motion prevailed.

MESSAGE TO THE HOUSE
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 Concurrent Resolution No. 4019

LEO LEIDHOLM, Secretary.

Report of Standing Committee

Mr. President: Your Committee on Social Services & Veterans Affairs to whom was referred Senate Bill No. 2082

Has had the same under consideration and recommends that the same

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

be amended as follows:

Signature of Senator Peterson, Chairman

Senate Bill No. 2082 was placed on the eleventh

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

Mr. PRESIDENT: Your Committee on POLITICAL SUBDIVISIONS to whom was referred SENATE Bill No. 2106

Has had the same under consideration and recommends that the same

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

be amended as follows:

Signature of Sen. Raymon Holmberg, Chairman

Senate Bill No. 2106 was placed on the Eleventh

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

Mr. PRESIDENT: Your Committee on POLITICAL SUBDIVISIONS to whom was referred SENATE Bill No. 2107

Has had the same under consideration and recommends that the same

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

be amended as follows:

Signature of Sen. Raymon Holmberg, Chairman

Senate Bill No. 2107 was placed on the Eleventh

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

Mr. PRESIDENT: Your Committee on SOCIAL SERVICES & VETERANS AFFAIRS to whom was referred Senate Bill No. 2132

Has had the same under consideration and recommends that the same

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

be amended as follows:

On page 1, line 20, after the word "of", insert the words "notice of"

And renumber the lines accordingly

And when so amended recommends the same do pass.

Sen. Peterson

Senator Peterson

Chairman

Senate Bill No. 2132 was placed on the sixth

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

Mr. President: Your Committee on Social Services & Veterans Affairs
to whom was referred Senate Bill No. 2145

Has had the same under consideration and recommends that the same

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

Sen. Peterson

Senator Peterson

Chairman

Senate Bill No. 2145 was placed on the eleventh

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

Mr. PRESIDENT: Your Committee on POLITICAL SUBDIVISIONS
to whom was referred Senate Bill No. 2151

Has had the same under consideration and recommends that the same

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

On page 1, line 15, delete the underline from "Bank of North Dakota"

And when so amended recommends the same do pass.

Sen. Holmberg

Senator Holmberg

Chairman

Senate Bill No. 2151 was placed on the Sixth

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

Mr. PRESIDENT Your Committee on TRANSPORTATION
to whom was referred SENATE CONCURRENT RESOLUTION No. 4015

Has had the same under consideration and recommends that the same

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

Sen. Solberg

Senator Solberg

Chairman

SENATE CONCURRENT RESOLUTION 4015 was placed on the SOLBERG 11th

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

CONSIDERATION OF AMENDMENTS

Senator Melland moved that the reading of the amendments on the 6th Order of Business be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2003 as recommended by the Committee on Appropriations as printed on pages 111-115 of the Senate Journal be adopted.

Senator Melland moved that the amendment to Senate Bill No. 2003 be amended as follows:

On page 5, line 7 of the amendment, delete the word "average".

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

Senator Lips moved that the amendments as amended to Senate Bill No. 2003 as recommended by the Committee on Appropriations be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill 2003 be deemed properly engrossed and placed in numerical order on today's 11th Order of Business, which motion prevailed.

Senator Lodoen moved that the amendments to Senate Bill No. 2044 as recommended by the Committee on State and Federal Government as printed on pages 115-116 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to Senate Bill No. 2066 as recommended by the Committee on Judiciary as printed on page 116 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2097 as recommended by the Committee on Industry, Business and Labor as printed on page 117 of the Senate Journal be adopted, which motion prevailed.

FIRST READING OF SENATE BILLS

Senators Wenstrom, R. Christensen, Lips, Reps. Wagner, Berg, Hughes introduced:

Senate Bill No. 2202. — A Bill for an Act providing for a reallocation of the appropriation to the junior colleges of the state of North Dakota for the biennium ending June 30, 1981; and declaring an emergency.

Was read the first time and referred to the committee on Education.

Senators Lips, Wenstrom, Solberg, Reps. Berg, Hughes, Wagner introduced:

Senate Bill No. 2203. — A Bill for an Act to amend and reenact section 15-18-07 of the North Dakota Century Code, relating to state aid for junior colleges.

Was read the first time and referred to the committee on Education.

Senators Erickson, Solberg introduced:

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.

Was read the first time and referred to the committee on Transportation.

Senator Erickson introduced:

Senate Bill No. 2205. — A Bill for an Act to create and enact seven new sections to chapter 49-09 of the North Dakota Century Code, relating to state condemnation of abandoned rail properties and resale to enable a railway line's continued operation; the determination of title to rail properties; sale of rail properties to the state; utilization of federal funds; application for federal loans; the purchase of rolling stock, equipment, and machinery; and payments dependent on state funds; and to amend and reenact sections 10-15-02, 49-09-04.1, 49-09-04.2,

49-09-11.1, 49-09-11.2, and 49-09-11.5 of the North Dakota Century Code, relating to the purposes of cooperatives; the abandonment of railway lines and public service commission authority to acquire such property through trust agreements, purchase or condemnation; landowner options to acquire abandoned right of way; negotiations for reopening of railway lines abandoned or intended to be abandoned; and interstate commerce commission certificates.

Was read the first time and referred to the committee on Transportation.

Senator Lodoen, Rep. D. Olson introduced:

Senate Bill No. 2206. — A Bill for an Act to amend and reenact sections 12.1-30-02 and 12.1-30-03 of the North Dakota Century Code, relating to personal property sales allowable on Sunday and businesses allowed to operate on Sunday, and allowing food and other grocery items to be sold by any grocery store not more than ten miles from the border of a state in which Sunday sales are allowed, upon approval by the governing body of the city in which a store is located.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Melland, Nething, Rep. Martinson introduced:

Senate Bill No. 2207. — A Bill for an Act to direct the adjutant general to compile, publish, and distribute a history of the North Dakota army national guard and the 164th infantry regiment; and to provide an appropriation.

Was read the first time and referred to the committee on State and Federal Government.

SECOND READING OF SENATE BILLS

Senate Bill No. 2003. — A Bill for an Act to provide an appropriation for additional compensation to North Dakota state employees for the period beginning January 1, 1981, and ending June 30, 1981; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, SJ pages 111-115, the roll was called and there were ayes, 44 nays, 1; absent and not voting 3 and two vacancies.

| NORTH DAKOTA SENATE | | | | | | | | | | | |
|-----------------------|-----|------|-------------|-----|------|-------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION | | | ROLL CALL | | | | | | 1981 LEGISLATURE | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| • ADAMS | | | • GROETBERG | | | • NELSON | | | • TALLACKSON | | |
| • ALBERS | | | • HANSON | | | • NETHING | | | • TENNEFOS | | |
| • BAKWELL | | | • HOLMBERG | | | • OLIN | | | • THANE | • | |
| • BARTH | | | • ISZLER | | | • PETERSON | | | • TIERNEY | | |
| • BERUBE | | | • LASKOWITZ | | | • QUAIL | | | • TWETEN | | |
| • CHRISTENSEN, H. #5 | | | • LEE | | | • REDLIN | | | • VOSPER | | |
| • CHRISTENSEN, R. #36 | | | • LEIBHAN | | | • REITEN | | | • WALSH | • | |
| • CUSSONS | | | • LIPS | | | • ROEN | | | • WENSTROM | | |
| • DOTZENROD | | | • LODOEN | | | • SHALOW | | | • WRIGHT | | |
| • DYKSHOORN | | | • MELLAND | | | • SOLBERG | | | | | |
| • ERICKSON | | | • MOORE | | • | • SORUM | | | | | |
| • FRITZELL | | | • MUTCH | | | • STENEHJEM | | | | | |
| • GOODMAN | | | • NAADEN | | | • STREIBEL | | | | | MR. PRESIDENT |

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

Senator Nething moved that the vote by which Senate Bill No. 2003 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

| NORTH DAKOTA SENATE | | | | | | | | |
|-----------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION | | | | | | 1981 LEGISLATURE | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| ● ADAMS | | | ● GROETBERG | | | ● NELSON | | ● TALLACKSON |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | ● TENNEFOS |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | ● THANE |
| ● BARTH | | | ● ISZLER | | | ● PETERSON | | ● TIERNEY |
| ● BERUBE | | | ● LASHKOWITZ | | | ● QUAIL | | ● TWETEN |
| ● CHRISTENSEN, H. #5 | | | ● LEE | | | ● REDLIN | | ● VOSPER |
| ● CHRISTENSEN, R. #36 | | | ● LEIBMAN | | | ● REITEN | | ● WALSH |
| ● CUSSONS | | | ● LIPS | | | ● ROEN | | ● WENSTROM |
| ● DOTZENROD | | | ● LODDEN | | | ● SHABLOW | | ● WRIGHT |
| ● DYKSHOORN | | | ● MELLAND | | | ● SOLBERG | | |
| ● ERICKSON | | | ● MOORE | | | ● SORUM | | |
| ● FRITZELL | | | ● MUTCH | | | ● STENEHJEM | | MR. PRESIDENT |
| ● GOODMAN | | | ● NAADEN | | | ● STREIBEL | | |

So the bill passed and the title was agreed to.

Senate Bill No. 2124. — A Bill for an Act to amend and reenact section 36-09-06 of the North Dakota Century Code, relating to the cancellation of brands.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45 nays, 0; absent and not voting 3 and two vacancies.

| NORTH DAKOTA SENATE | | | | | | | | |
|-----------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION | | | | | | 1981 LEGISLATURE | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| ● ADAMS | | | ● GROETBERG | | | ● NELSON | | ● TALLACKSON |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | ● TENNEFOS |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | ● THANE |
| ● BARTH | | | ● ISZLER | | | ● PETERSON | | ● TIERNEY |
| ● BERUBE | | | ● LASHKOWITZ | | | ● QUAIL | | ● TWETEN |
| ● CHRISTENSEN, H. #5 | | | ● LEE | | | ● REDLIN | | ● VOSPER |
| ● CHRISTENSEN, R. #36 | | | ● LEIBMAN | | | ● REITEN | | ● WALSH |
| ● CUSSONS | | | ● LIPS | | | ● ROEN | | ● WENSTROM |
| ● DOTZENROD | | | ● LODDEN | | | ● SHABLOW | | ● WRIGHT |
| ● DYKSHOORN | | | ● MELLAND | | | ● SOLBERG | | |
| ● ERICKSON | | | ● MOORE | | | ● SORUM | | |
| ● FRITZELL | | | ● MUTCH | | | ● STENEHJEM | | MR. PRESIDENT |
| ● GOODMAN | | | ● NAADEN | | | ● STREIBEL | | |

So the bill passed and the title was agreed to.

MOTION

Senator Naaden moved that Senate Bill No. 2125 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2134. — A Bill for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to removal of fishhouses by an order of proclamation issued by the governor; and to amend and reenact section 20.1-06-07 of the North Dakota Century Code, relating to the licensing and removal of fishhouses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44 nays, 0; absent and not voting 4 and two vacancies.

| NORTH DAKOTA SENATE | | | | | | | | |
|----------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION | | | | | | 1981 LEGISLATURE | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| ● ADAMS | | | ● GROETBERG | | | ● NELSON | | ● TALLACKSON |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | ● TENNEFOS |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | ● THANE |
| ● BARTH | | | ● ISZLER | | | ● PETERSON | | ● TIERNEY |
| ● BERUBE | | | ● LASHKOWITZ | | | ● QUAIL | | ● TWETEN |
| ● CHRISTENSEN, H. #5 | | | ● LEE | | | ● REDLIN | | ● VOSPER |

| | | | |
|-----------------------|-----------|-------------|---------------|
| ● CHRISTENSEN, R. #36 | ● LEIBMAN | ● REITEN | ● WALSH |
| ● CUSONS | ● LIPS | ● ROEN | ● WENSTROM |
| ● DOTZENROD | ● LODDEN | ● SHABLOW | ● WRIGHT |
| ● DYKSHOORN | ● MELLAND | ● SOLBERG | |
| ● ERICKSON | ● MOORE | ● SORUM | |
| ● FRITZELL | ● MUTCH | ● STENEHJEM | |
| ● GOODMAN | ● NAADEN | ● STREIBEL | MR. PRESIDENT |

So the bill passed and the title was agreed to.

MOTION

Senator Nelson moved that Senate Bill No. 2075 be returned to the Senate floor from the Committee on Education, which motion prevailed.

Senator Nelson moved that Senate Bill No. 2075 be re-referred to the Committee on Judiciary, which motion prevailed.

Report of Procedural Committee

MR. PRESIDENT:

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

Senate Bill No. 2003

and find the same correctly } Engrossed

Stella Fritzell
Stella Fritzell Chairman

Senator Dykshoorn moved that the report be adopted, which motion prevailed.

Senator Nething moved that the absent Senators be excused, which motion prevailed.

Senator Nething moved that after the reading of Senate Bills 2044, 2066, 2082, 2097, 2106, 2107, 2125, 2145 and SCR 4015 the Senate adjourn until 1:00 P.M., Monday, January 12, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary