

TWELFTH DAY

Bismarck, January 21, 1981

The Senate convened at 1:00 p. m., with President Sands presiding.

The prayer was offered by Rev. Dale D. Brown, Pastor, Bismarck Wesleyan Church.

Eternal God, our Heavenly Father, this is a day of Thanksgiving.

Thank You for the gift of Your Son Jesus Christ who makes it possible for us to come into Your presence.

Thank You for the privilege we have in this nation to govern ourselves under God.

Thank You for the safe return of the people who were held hostage in Iran.

Thank You for the members of this body who have courage to ask for wisdom of You for their responsibilities today. Grant them the desire of their heart to receive from You Divine wisdom that will enable them to govern wisely. Deliver from selfish motives and keep before them Your instruction to act justly and to love mercy and to walk humbly with God.

This we pray in the name of Jesus our Lord. Amen.

The roll was called and all Senators were present except Senators Iszler, Mutch, Redlin and Tierney.

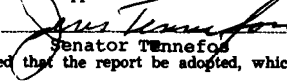
A quorum was declared by the President.

Correction and Revision of The Journal

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

On page 242, line 9, delete "tranactions" and insert in lieu thereof "transactions"

And when so corrected recommends that the same be approved.

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

MESSAGE FROM THE HOUSE
 House Chamber

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

- House Bill No. 1043
- House Bill No. 1101
- House Bill No. 1123

House Bill No. 1129
House Bill No. 1144

ROY GILBREATH, Chief Clerk

Report of Standing Committee

Mr. President : Your Committee on Appropriations

to whom was referred Senate Bill No. 2020

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 14, delete the numerals "268,786" and insert in lieu thereof the numerals "292,831"

On page 1, line 17, delete the numerals "339,402" and insert in lieu thereof the numerals "363,447"


On page 1, line 19, delete the numerals "286,402" and insert in lieu thereof the numerals "310,447"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Salaries and wages for the State Fire Marshal are increased by \$24,045 to provide funds for the continuation of the ten percent emergency salary increase and for salary increases of nine percent for the first year of the biennium and eight percent for the second year of the biennium with funds for fringe benefits including the state funding the employee's share of PERS.

And when so amended recommends the same do pass.


Senator Lips Chairman

Senate Bill No. 2020 was placed on the 6th

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

Mr. President : Your Committee on Appropriations

to whom was referred Senate Bill No. 2081

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 5, after the semicolon insert the word "and"

On page 1, line 7, delete the semicolon and the words "and to"

On page 1, line 8, delete the words "provide an appropriation"

On page 2, delete lines 3 through 8

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The \$1,000,000 appropriation section to implement the new accounting system is deleted from this bill since moneys are included in the Department of Accounts and Purchases budget for this same purpose.

And when so amended recommends the same do pass and be rereferred to the committee on State and Federal.

Stan E. Lips Chairman
 Senator Lips

Senate Bill No. 2081 was placed on the 6th

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

Mr. PRESIDENT: Your Committee on State & Federal Government

to whom was referred Senate Bill No. 2087

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:

- Page 1, line 4, following the first comma delete the words "construction of new facilities at the state farm,"
- Page 1, line 5, following the semicolon insert the word "and"
- Page 1, line 7, following the word "corrections" delete the comma and the words "and to appropriate moneys to the"
- Page 1, - delete line 8
- Page 1, line 9, delete the words "those duties and responsibilities"
- Page 2, line 16, following the word "of" delete "\$20,789,080" and insert in lieu thereof "\$10,600,000"
- Page 2, - delete lines 21 through 26
- Page 2, line 27, following the word "Section" delete the numeral "4" and insert in lieu thereof the numeral "3".
- Page 2, line 34, following the word "Section" delete the numeral "5" and insert in lieu thereof the numeral "4".
- Page 3, - delete lines 18 through 26.
- Page 3, line 27, following the word "Section" delete the numeral "7" and insert in lieu thereof the numeral "5".
- Page 3, line 29, following the numeral "2" delete the comma and insert in lieu thereof the word "and". Following the numeral "3" delete the comma and the words "and 4".

Renumber lines and Sections accordingly.

And when so amended recommends the same do pass.

Lodoen Chairman
 Senator Lodoen

Senate Bill No. 2087 was placed on the Sixth

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

Mr. PRESIDENT: Your Committee on Industry, Business & Labor

to whom was referred SENATE Bill No. 2119

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:

Senator Reiten Chairman
 Senator Reiten

Senate Bill No. 2119 was placed on the _____

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

Mr. PRESIDENT : Your Committee on INDUSTRY, BUSINESS AND LABOR
to whom was referred Senate Bill No. 2121

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 1, after the word "sections" insert the numerals and comma "43-07-05,"

On page 1, after line 7, insert the following section:


"SECTION 1. AMENDMENT. Section 43-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-05. CLASSES OF LICENSES. Four classes of licenses shall be issued under the provisions of this chapter, which shall be designated as class A, B, C, and D licenses. The holders of such licenses shall be entitled to engage in the contracting business within this state subject to the following limitations:

1. The holder of a class A license shall be subject to no limitation as to the value of any single contract project.
2. The holder of a class B license shall not be entitled to engage in the construction of any single contract project of a value in excess of one two hundred twenty-five fifty thousand dollars.
3. The holder of a class C license shall not be entitled to engage in the construction of any single contract project of a value in excess of sixty one hundred twenty thousand dollars.
4. The holder of a class D license shall not be entitled to engage in the construction of any single contract project of a value in excess of twenty-five fifty thousand dollars."

And renumber the lines, sections, and pages accordingly

And when so amended recommends the same do pass.

 Chairman

Senate Bill No. 2121 was placed on the Sixth

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

Mr. PRESIDENT : Your Committee on INDUSTRY, BUSINESS & LABOR
to whom was referred SENATE Bill No. 2127

Has had the same under consideration and recommends that the same

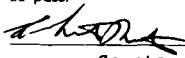
do pass do not pass be placed on calendar
without recommendation

be amended as follows:

On page 1, line 4 of the engrossed bill, following the numbers "65-05-15," delete the numbers and comma "65-05-16,"

- On page 1, line 8, following the word "injuries," delete the words and comma "death benefits,".
- On page 4 of the engrossed bill, delete lines 24 through 35.
- On page 5 of the engrossed bill, delete lines 1 through 14.
- On page 5 of the engrossed bill, line 26, after the word "ninety" insert the words "one hundred", and on the same line, remove the overstrike from the word "dollars" and delete the words "one hundred" and "one".
- On page 5 of the engrossed bill, line 27, delete the words "hundred dollars".

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

 Chairman
 Senator Reiten

SENATE Bill No. 2127 was placed on the Sixth

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

Mr. PRESIDENT: Your Committee on INDUSTRY, BUSINESS AND LABOR to whom was referred Senate Bill No. 2129

Has had the same under consideration and recommends that the same

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

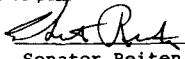
be amended as follows:

On page 1, delete lines 17 through 20 and insert in lieu thereof the following:

"unless the corporate surety by certified mail notifies the licensee and the commission that the surety bond will be canceled ninety days after receipt of the notice of cancellation. On or before July thirty-first of each year, the surety shall file an endorsement with the commission evidencing that the bond continues in effect."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass

 Chairman
 Senator Reiten

Senate Bill No. 2129 was placed on the Sixth

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

Mr. PRESIDENT: Your Committee on INDUSTRY, BUSINESS & LABOR to whom was referred SENATE Bill No. 2147

Has had the same under consideration and recommends that the same

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

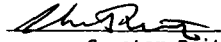
be amended as follows:

On page 1, line 1, following the word "and", delete the word "reenact" and insert in lieu thereof the word "reenact"

On page 2, line 4, after the word "implement", insert the words "and administer"

and renumber the lines accordingly.

And when so amended recommends the same do pass.

 Chairman

Senate Bill No. 2147 was placed on the Sixth

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

Mr. President : Your Committee on Education

to whom was referred Senate Bill No. 2153

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 1, delete everything after the words "A BILL" and insert in lieu thereof the following:

"for an Act to amend and reenact section 15-59-06 of the North Dakota Century Code, relating to the state cooperation in special education.


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

SECTION 1. AMENDMENT. Section 15-59-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-06. STATE COOPERATION IN SPECIAL EDUCATION. Exceptional children who are enrolled in approved programs of special education shall be deemed to be regularly enrolled in the school-and-school-districts-providing-such-program sending school districts and shall be included in the determination of elementary and high school per-pupil payments from the county equalization fund and state foundation aid program whether or not such pupils are regularly attending school in the school or school district receiving such payments. In the case of a student who is enrolled in a nonpublic school but who is attending a public school special education program, payments shall be made to the appropriate public school district in relation to the proportion of a normal school day as such student participates in such special education program. For the purposes of this section, a normal school day shall be deemed to consist of six hours. Upon the determination by the director of special education that the school district has made expenditures for each exceptional child in such program equal to the average expenditures made in such district for elementary or high school students, as the case may be, and-that-the-parents-of-a-child receiving-special-education-under-such-program, or-the-legally responsible-person, have-made-adequate-efforts-to-provide-needed education-or-that-adequate-reasons-otherwise-exist-for-the provision-of-special-education-to-such-child, the director by vouchers drawn upon funds provided by the legislative assembly for such purpose may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for transportation, equipment, and residential care. If any school district in this

state has any handicapped elementary or high school student who, in the opinion of a qualified psychologist, a medical doctor, district superintendent, and the district or multidistrict director of special education, is unable to attend the public schools in the district because of a handicapping condition, such school district shall contract with an in-state public school which will accept such student and has proper facilities for the education. No school district shall enter into a contract with any in-state public school for the education of any student because of a handicapping condition, unless the curriculum provided by such school and the contract has been approved in advance by the superintendent of public instruction. The contract shall provide that such school district agrees to pay to the in-state public school as part of the cost of educating such student an amount for the school year equal to two times the state average per-pupil elementary or high school cost, depending on whether the enrollment would be in a grade or high school department, provided that such payment shall not exceed the actual per-pupil cost incurred by such in-state public school. The transportation shall be furnished as provided by rules and regulation of the department of public instruction. The remainder of the actual cost of educating the handicapped student not covered by other payments or credits shall be paid from funds provided by the legislative assembly for such purpose. The department of public instruction may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for transportation, equipment, and residential care."

And when so amended recommends the same do pass

 Chairman
 Senator Gary Nelson
 was placed on the Sixth

Senate Bill No. 2153

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

Mr. PRESIDENT: Your Committee on INDUSTRY, BUSINESS & LABOR
 to whom was referred SENATE Bill No. 2176

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:

 Chairman
 Senator Reiten

Senate Bill No. 2176 was placed on the Eleventh

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

Mr. President: Your Committee on Education
 to whom was referred Senate Bill No. 2196

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 3, after the word "parent", insert the words "nor legal guardian"

On page 1, line 22, overstrike the word "welfare" and insert in lieu thereof the words "social service"

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On page 2, line 18, after the word "parent" insert the words "or legal guardian"

And renumber the lines, pages and sections accordingly.

And when so amended recommends the same do pass?

Sen Gary Nelson Chairman

Senate Bill No. 2196 Senator Gary Nelson was placed on the Sixth

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

Mr. President: Your Committee on Education

to whom was referred Senate Bill No. 2232

Has had the same under consideration and recommends that the same

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

[] be amended as follows:

Sen Gary Nelson Chairman
Senator Gary Nelson

Senate Bill No. 2232 was placed on the Eleventh

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

Mr. President: Your Committee on Appropriations

to whom was referred House Bill No. 1054

Has had the same under consideration and recommends that the same

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

[X] be amended as follows:

On page 1 of the engrossed bill, line 1, delete everything after the words "A BILL" and insert in lieu thereof the following: "for an Act providing an appropriation based upon school districts average daily membership and transportation mileage; and declaring an emergency.

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

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$12,000,000, or so much thereof as may be necessary, to the department of public instruction for the purpose of making payments to school districts during the biennium ending June 30, 1981, in accordance with the provisions of this Act.

SECTION 2. AMOUNT OF PAYMENT. School districts shall receive an amount of money equal to eighteen cents per mile for school bus transportation based on the number of miles traveled in the 1979-80 school term. This payment shall be over and above the transportation payment provided for in section 15-40.1-16. The remainder of the \$12,000,000 appropriated by this Act shall be distributed, notwithstanding subsection 2 of section 15-40.1-06 and sections 15-40.1-07 and 15-40.1-08, to the schools based upon their pro rata share of the average daily membership for the 1979-80 school term.

SECTION 3. AVAILABILITY OF FUNDS. Within thirty days after the effective date of this Act, the superintendent of public instruction shall certify to the department of accounts and purchases the amounts each school district is entitled to, and as soon as possible thereafter, a single payment covering each of these distributions shall be mailed to each individual school district.

SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

And when so amended recommends the same do ~~pass~~

Jan E. Lips Chairman
Senator Lips

House Bill No. 1054 was placed on the 6th

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

Mr. President: Your Committee on Judiciary
to whom was referred House Bill No. 1063

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:

Har Christensen Chairman
Senator Christensen

Senate Bill No. 1063 was placed on the fourteenth

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

Mr. President: Your Committee on Judiciary
to whom was referred House Bill No. 1085

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:

Har Christensen Chairman
Senator Christensen

Senate Bill No. 1085 was placed on the fourteenth

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

CONSIDERATION OF AMENDMENTS

Senator H. Christenson moved that the amendments to Senate Bill No. 2062 as recommended by the Committee on Judiciary as printed on page 229 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to Senate Bill No. 2078 as recommended by the Committee on Judiciary as printed on pages 229-231 of the Senate Journal be adopted, which motion prevailed.

Senator Peterson moved that the amendments to Senate Bill No. 2085 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 232 of the Senate Journal be adopted and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator H. Christensen moved that the amendments to Senate Bill No 2096 as recommended by the Committee on Judiciary as printed on pages 232, 233 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2182 as recommended by the Committee on Finance and Taxation as printed on page 235 of the Senate Journal be adopted, which motion prevailed.

FIRST READING OF SENATE BILLS

Senator Goodman introduced:

Senate Bill No. 2343. — A Bill for an Act to amend and reenact subsection 21 of section 57-38-01 and section 57-38-30 of the North Dakota Century Code, relating to the updating of the definition of federal taxable income for individuals, estates, trusts, and corporations, and to corporation income tax rates; and to provide an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senator H. Christensen introduced:

Senate Bill No. 2344. — A Bill for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuing a check or draft without sufficient funds or credit and a fee for collection of such check or draft and prosecution for such check or draft.

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

Senators R. Christensen, Melland introduced:

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

Was read the first time and referred to the committee on Social Services and Veterans Affairs.

Senator Tierney introduced:

Senate Bill No. 2346. — A Bill for an Act to establish the North Dakota merit scholarship program; and to provide an appropriation.

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

Senators Goodman, Melland, Olin, Reps. Strinden, A. Hausauer, Timm introduced:

Senate Bill No. 2347. — A Bill for an Act to create and enact two new sections to chapter 57-38 and one new subsection to section 57-38.1-01 of the North Dakota Century Code, relating to the simplification of individual income tax returns and computation of tax, providing for credit for income tax paid to another state, and defining a corporation; to amend and reenact sections 39-03.1-23 and 54-03-20, subsection 21 of section 57-38-01, subdivision a of subsection 2 and subsection 6 of section 57-38-04, sections 57-38-07, and 57-38-30 of the North Dakota Century Code, relating to legislative pay, definition of Internal Revenue Code, credit for taxes paid to another state, rate of tax on corporations, tax imposed on fiduciaries and exemption from tax; to repeal section 57-38-01.2, subsections 2, 3, and 4 of section 57-38-01.4, sections 57-38-01.5, 57-38-01.6, 57-38-01.9, 57-38-01.10, 57-38-01.11, 57-38-01.12, 57-38-01.13, 57-38-01.14, 57-38-01.15, 57-38-06.1, 57-38-29, subsection 2 of section 57-38-31, and sections 57-38-67, 57-38-68, 57-38-69, 57-38-70, and chapter 57-38.2 of the North Dakota Century Code, relating to the computation of income tax; and to provide an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Wenstrom introduced:

Senate Bill No. 2348. — A Bill for an Act to provide for the establishment of fees for abstracters.

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

Senator Wenstrom introduced:

Senate Bill No. 2349. — A Bill for an Act to amend and reenact section 43-01-02, subsection 1 of section 43-02.1-02, subsection 1 of section 43-02.1-03, subsection 1 of section 43-02.1-04, subsection 1 of section 43-02.1-05, sections 43-04-04, 43-09-02, subsection 8 of section 43-11-16, section 43-12.1-05, subsection 11 of section 43-17-31, subsection 2 of section 43-23-08, sections 43-25-07, 43-26-04, 43-28-11, 43-28-18, 43-28-25, 43-29-02, 43-30-05, 43-31-07, 43-32-02, 43-32-18, 43-32-20, 43-34-02, 43-35-03, 43-36-02, and subsection 2 of section 43-37-05 of the North Dakota Century Code, relating to occupations, the licensing thereof, restrictions on competition therein, and gubernatorial appointments to regulatory boards and commissions; and to repeal sections 43-01-18, 43-11-36, and 43-13-29 of the North Dakota Century Code, relating to setting of fees and prohibition on advertising.

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

Senator Lips introduced:

Senate Bill No. 2350. — A Bill for an Act to amend and reenact sections 54-52.2-01, 54-52.2-03, and 54-52.2-05 of the North Dakota Century Code, relating to a deferred compensation program for public employees, administration of the program, and payments authorized by administrators; and to provide for obtaining life insurance, an annuity contract, or a savings account for funding the program; to the appointment of a central committee to administer the program; and to the use of premium interest to pay program administrative costs.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senators Erickson, Tennesfos introduced:

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

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

Senator Nething, Rep. Strinden introduced:

Senate Concurrent Resolution No. 4024. — A concurrent resolution expressing the support of the Forty-seventh Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution No. 4024 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4024

Introduced by: Senator Nething, Rep. Strinden

A concurrent resolution expressing the support of the Forty-seventh Legislative Assembly and urging cooperation for

the Young Men's Christian Association model legislature program.

WHEREAS, the first YMCA State Youth and Government Program was initiated in New York in 1936, and since that time over forty states have developed similar programs; and

WHEREAS, the purpose of the YMCA's model legislature program is to enhance development of the American democratic system by enabling young people to prepare for moral and political leadership through training in the theory and practice of determining public policy; and

WHEREAS, the YMCA model legislature held following the 1979 legislative session was a successful event allowing numerous young North Dakotans to gain a better understanding of the legislative process; and

WHEREAS, having such a program continue in this state can provide a major vehicle to help young people to really know about and become interested in government and the citizen's role in it; and

WHEREAS, among the goals for youth involvement in such a program are the development of confidence in and dedication to the democratic process, the gaining of communications skills, the learning of accountability and respect for other's rights, and the application of moral and ethical valuation processes to public policymaking;

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

That the Forty-seventh Legislative Assembly express its support for the YMCA model state legislature to be held on Saturday and Sunday, April 25-26, 1981, at the State Capitol in Bismarck; and

BE IT FURTHER RESOLVED, that those members of the Senate and House who are requested to participate in the program make

every effort to arrange their schedules to be able to do so, and that the staff of the Legislative Council and the Director of Institutions' office render such reasonable assistance as may be necessary to make the program a success.

SECOND READING OF
SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4024. — A concurrent resolution expressing the support of the Forty-seventh Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4024 was declared adopted on a voice vote.

Senator Nething, Rep. Strinden introduced:

Senate Concurrent Resolution No. 4025 — A concurrent resolution expressing the gratitude and relief of the Forty-seventh Legislative Assembly at the recent release of the Iranian hostages.

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution No. 4025 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4025

Introduced by: Senator Nething, Rep. Strinden

A concurrent resolution expressing the gratitude and relief of the Forty-seventh Legislative Assembly at the recent release of the Iranian hostages.

WHEREAS, the citizens of the United States have been held hostage in Iran contrary to international law since November 4, 1979; and

WHEREAS, the release of the hostages on Tuesday, January 20, 1981, represents an answer to the prayers of the citizens of this nation and of people throughout the world; and

WHEREAS, it is fitting that the North Dakota Legislative Assembly give public expression of gratitude and relief that the 52 American citizens held against their will have been released and will be coming home to their loved ones; and

WHEREAS, the Forty-seventh Legislative Assembly wishes to express its support for any future actions which might be taken by the national government to ensure that such incidents will not occur in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 48, nays 0, absent and not voting 2.

| 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 | | | ● GROTBERG | | | ● NELSON | | | ● STREIBEL | | |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | | ● STROMME | | |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | | ● TALLACKSON | | |
| ● BARTH | | | ● ISZLER | | | ● PARKER | | | ● TENNEFOS | | |
| ● BERUBE | | | ● LASHKOWITZ | | | ● PETERSON | | | ● THANE | | |
| ● CHRISTENSEN, H. JS | | | ● LEE | | | ● QUAIL | | | ● TIERNEY | | |
| ● CHRISTENSEN, R. JW | | | ● LEIBHAN | | | ● REDLIN | ● | | ● TWETEN | | |
| ● CUSSONS | | | ● LIPS | | | ● REITEN | | | ● VOSPER | | |
| ● DOTZENROD | | | ● LODDEN | | | ● ROEN | | | ● WALSH | | |
| ● DYKSHOORN | | | ● MELLAND | | | ● SHABLOW | | | ● WENSTROM | | |
| ● ERICKSON | | | ● MOORE | | | ● SOLBERG | | | ● WRIGHT | | |
| ● FRITZELL | | | ● MUTCH | ● | | ● SORUM | | | ● MR. PRESIDENT | | |
| ● GOODMAN | | | ● NAADEN | | | ● STENEHJEM | | | | | |

So the bill passed and the title was agreed to.

Senate Bill No. 2133. — A Bill for an Act to amend and reenact section 54-44-11 of the North Dakota Century Code, relating to operating funds in the department of accounts and purchases.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 46, nays 0, absent and not voting 4.

| 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 | | | ● GROTBERG | | | ● NELSON | | | ● STREIBEL | | |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | | ● STROMME | | |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | | ● TALLACKSON | | |
| ● BARTH | | | ● ISZLER | ● | | ● PARKER | | | ● TENNEFOS | | |
| ● BERUBE | | | ● LASHKOWITZ | | | ● PETERSON | | | ● THANE | | |
| ● CHRISTENSEN, H. JS | | | ● LEE | | | ● QUAIL | | | ● TIERNEY | | |
| ● CHRISTENSEN, R. JW | | | ● LEIBHAN | | | ● REDLIN | ● | | ● TWETEN | | |
| ● CUSSONS | | | ● LIPS | | | ● REITEN | | | ● VOSPER | | |
| ● DOTZENROD | | | ● LODDEN | | | ● ROEN | | | ● WALSH | | |
| ● DYKSHOORN | | | ● MELLAND | | | ● SHABLOW | | | ● WENSTROM | | |
| ● ERICKSON | | | ● MOORE | | | ● SOLBERG | | | ● WRIGHT | | |
| ● FRITZELL | | | ● MUTCH | ● | | ● SORUM | | | ● MR. PRESIDENT | | |
| ● GOODMAN | | | ● NAADEN | | | ● STENEHJEM | | | | | |

So the bill passed and the title was agreed to.

Senate Bill No. 2150. — A Bill for an Act to amend and reenact sections 34-13-03, 34-13-06, 34-13-12, 34-13-13, 34-13-13.1, and subsection 1 of section 34-13-15 of the North Dakota Century Code, relating to license applications for employment agents and agencies, form and contents, to posting of licenses, to contracts with job applicants, to employment agency rules; and to repeal section 34-13-11 of the North Dakota Century Code, relating to classification of employment agency licenses.

Which has been read and has committee recommendation of do not pass.

ROLL CALL

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

| NORTH DAKOTA SENATE | | | | | | | | | | | |
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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 |
| ● ADAMS | | | ● GROTBERG | | | ● NELSON | | | ● STREIBEL | | |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | | ● STROMME | | |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | | ● TALLACKSON | | |
| ● BARTH | | | ● ISZLER | ● | | ● PARKER | | | ● TENNEFOS | | |
| ● BERUBE | | | ● LASHKOWITZ | | | ● PETERSON | | | ● THANE | | |

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| • CUSSONS | • LIPS | • REITEN | • VOSPER |
| • DOTZENROD | • LODOEN | • ROEN | • WALSH |
| • DYKSHOORN | • MELLAND | • SHABLOW | • WENSTROM |
| • ERICKSON | • MOORE | • SOLBERG | • WRIGHT |
| • FRITZELL | • MUTCH | • SORUM | • MR. PRESIDENT |
| • GOODMAN | • NAADEN | • STENEHJEM | |

So the bill passed and the title was agreed to.

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 46, nays 0, absent and not voting 4.

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

So the bill passed and the title was agreed to.

Senate Bill No. 2175. — A Bill for an Act to amend and reenact sections 65-03-02, 65-04-12, 65-04-20, and 65-09-04 of the North Dakota Century Code, relating to penalties against employers for violations of safety rules and failure to obtain coverage and to interest on bonds.

Which has been read and has committee recommendation of do not pass.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 0, nays 47, absent and not voting 3.

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

Senate Bill No. 2175 was declared lost.

Senate Bill No. 2178. — A Bill for an Act to create and enact a new section to chapter 57-60, relating to refunds of overpayments; and to amend and reenact sections 57-60-04, 57-60-05, 57-60-08, and 57-60-11 of the North Dakota Century Code, relating to payment, assessment, and refund of taxes for coal conversion facilities and to hearings and appeals in connection therewith.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, SJ page 207, the roll was called and there were ayes 45, nays 0, absent and not voting 5.

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

So the bill passed and the title was agreed to.

Senate Bill No. 2180. — A Bill for an Act to create and enact a new section to chapter 57-61, relating to refunds of overpayments; and to amend and reenact sections 57-61-04, 57-61-05, 57-61-07, and 57-61-08 of the North Dakota Century Code, relating to returns, payments, assessment, and refund of taxes for coal severance tax purposes, and hearings and appeals in connection therewith.

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 5.

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

So the bill passed and the title was agreed to.

MOTION

Senator Lodoen moved that Senate Bill No. 2207 be re-referred to the Committee on Appropriations, which motion prevailed.

Senate Bill No. 2220. — A Bill for an Act to amend and reenact subsection 3 of section 27-09.1-09 of the North Dakota Century Code to allow first-class mail notification of jury service.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 47, nays 0, absent and not voting 3.

| REGULAR SESSION | | | NORTH DAKOTA SENATE | | | | | | 1981 LEGISLATURE | | |
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| ROLL-CALL | | | ROLL-CALL | | | | | | ROLL-CALL | | |
| YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS | YEAS | N-V | NAYS |
| ● ADAMS | | | ● GROETBERG | | | ● NELSON | | | ● STREIBEL | | |
| ● ALBERS | | | ● HANSON | | | ● NETHING | | | ● STROMME | | |
| ● BAKEWELL | | | ● HOLMBERG | | | ● OLIN | | | ● TALLACKSON | | |

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| • BARTH | • ISZLER | • PARKER | • TENNEFOS |
| • BERUBE | • LASHKOWITZ | • PETERSON | • THANE |
| • CHRISTENSEN, H. #5 | • LEE | • QUAIL | • TIERNEY |
| • CHRISTENSEN, R. #36 | • LEIBHAN | • REDLIN | • TWETEN |
| • CUSSONS | • LIPS | • REITEN | • VOSPER |
| • DOTZENROD | • LODOEN | • ROEN | • WALSH |
| • DYKSHOORN | • MELLAND | • SHABLOW | • WENSTROM |
| • ERICKSON | • MOORE | • SOLBERG | • WRIGHT |
| • FRITZELL | • MUTCH | • SORUM | MR. PRESIDENT |
| • GOODMAN | • NAADEN | • STENEHJEM | |

So the bill passed and the title was agreed to.

Senate Bill No. 2225. — A Bill for an Act to amend and reenact section 29-06-15 of the North Dakota Century Code, relating to the power of a peace officer or officer in the United States customs service or the immigration and naturalization service, without a warrant, to arrest a person.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 46, nays 1, absent and not voting 3.

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

So the bill passed and the title was agreed to.

Senate Concurrent Resolution No. 4010. — A concurrent resolution directing the Legislative Council to study the feasibility of consolidating the Fort Berthold Indian Reservation into a single county unit of government.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, Senate Concurrent Resolution 4010 was declared adopted on a voice vote.

MESSAGE TO THE HOUSE

Senate Chamber

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

House Concurrent Resolution No. 3014

Very Respectfully,

LEO LEIDHOLM, Secretary

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. 2061

Senate Bill No. 2072

Senate Bill No. 2095

Senate Bill No. 2103

Senate Bill No. 2177

Very Respectfully,

LEO LEIDHOLM, Secretary

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

Senator Nething moved that after the reading of Senate Bills Nos. 2062, 2078, 2096, 2119, 2176, 2182, 2232, and House Bills Nos. 1063 and 1085, the Senate adjourn and convene at 1:30 p.m., Thursday, January 22, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary