

## TWENTY-THIRD DAY

Bismarck, February 5, 1981

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

The prayer was offered by Rev. Ralph Cooke, Pastor, First Baptist Church, Minot.

We bow before Thee, the God and Father of our Lord Jesus Christ. We come to Thee in the spirit, the author and finisher of creation, providence and redemption. We are deeply grateful for the personal faith each of us may enjoy to be enabled to receive from you, needed grace for spirit and soul and body. We are deeply grateful for life and all its blessings, blessings of marriage, family, church, community and nation. We know well that these favors are ours not without the foresight, dedication and sacrifice of previous generations.

And now we come to ask for favor upon this assembly as they labor for our state and their legislative constituents. Father, grant wisdom and a cooperative spirit as we wrestle with challenges that we might maintain the goals of goodness, justice and equal rights to all our people who are blessed to be citizens and residents in this, our beloved state of North Dakota.

May every decision lead us in the protection, conservation and utilization of our last human and material resources toward profitable and beneficial provisions of human needs. As You have blessed us and lead us in the past, so now at this moment we thank You for hearing us in the name of our Lord and Saviour Jesus Christ. Amen.

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

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 ... Twenty-second ..... day and recommends that the same be corrected as follows:

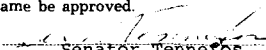
On page 469, line 34, delete the word "and" and insert the following:

" . 'At this point the President declared a 15 minute recess, following which"

On page 469, line 49, after the numeral "400" insert"

and the amendments enacted this day,

And when so corrected recommends that the same be approved.

  
 Senator Tenneros Chairman

Senator Sorum ..... moved that the report be adopted, 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. 2015
- Senate Bill No. 2030
- Senate Bill No. 2032
- Senate Bill No. 2046
- Senate Bill No. 2217
- Senate Bill No. 2292
- Senate Bill No. 2315
- Senate Bill No. 2359
- Senate Bill No. 2406

and find the same correctly } Engrossed

*Stella H. Fitzell*  
 Stella Fitzell, Chairman

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

**REPORT OF STANDING COMMITTEES**

Mr. President ..... Your Committee on Appropriations  
 to whom was referred Senate Bill No. 2004

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 17, delete the numerals "839,542" and insert in lieu thereof the numerals "878,488"
- On page 1, line 18, delete the numerals "253,598" and insert in lieu thereof the numerals "240,029"
- On page 1, after line 22, insert the following:  
 "Scientific research matching funds 300,000"
- On page 1, line 23, delete the numerals "2,000,000" and insert in lieu thereof the numerals "1,000,000"
- On page 1, line 24, delete the numerals "200,000" and insert in lieu thereof the numerals "400,000"
- On page 1, line 26, delete the numerals "910,000" and insert in lieu thereof the numerals "1,010,000"
- On page 1, line 27, delete the numerals "4,911,915" and insert in lieu thereof the numerals "4,537,292"
- On page 2, line 1, delete the numerals "4,486,915" and insert in lieu thereof the numerals "4,112,292"
- On page 2, line 6, delete the numerals "7,220,530" and insert in lieu thereof the numerals "6,845,907"
- On page 2, line 8, delete the numerals "7,645,530" and insert in lieu thereof the numerals "7,270,907"
- On page 2, after line 13, insert the following sections:

"SECTION 3. FUNDS FOR HANDICAPPED ACCESSIBILITY.

Moneys appropriated in this Act for handicapped accessibility, when expended in accordance with the statewide access plan of the board of higher education, shall be deemed to accomplish compliance with section 48-02-19 for the 1981-1983 biennium.

SECTION 4. NONCONTRIBUTORY RETIREMENT PLAN. For the agency named in this Act \$69,161 is included in the salaries and wages line item to fund noncontributory retirement programs. The amount referred to in this section shall not be used for any purpose other than to fund the noncontributory retirement programs for state employees. If the forty-seventh legislative assembly does not provide by statute for a non-

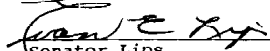
contributory retirement program for state employees, such amount shall remain in the salaries and wages line item until such line item is canceled on July 30, 1983."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Salaries and wages of the Board of Higher Education are increased by \$38,946 to provide funds for the continuation of the 10 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 \$69,161 for the state funding of the employees' share of retirement. Operating expenses are reduced by \$13,569 to provide for nine percent inflation increases for each year of the 1981-83 biennium. This amendment also includes \$300,000 for scientific research matching funds at the state universities. Capital improvements for handicapped accessibility are reduced by \$1 million, the student financial assistance program is increased by \$100,000, and tuition assistance is increased by \$200,000 in general fund moneys. A new section is added providing legislative intent on the use of funds for handicapped accessibility projects during the 1981-83 biennium.

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

  
Senator Lips Chairman

Senate Bill No. 2004 was placed on the 6th

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. 2141

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, delete the second word "and"
- On page 1, line 6, after the numerals "52-04-10" insert the words and comma ",and subsections 1 and 2 of section 52-04-19.1"
- On page 2, line 19, delete the word "are" and insert in lieu thereof the word "is"
- On page 2, line 20, delete the word "amended" and insert in lieu thereof the word "created" and delete the word "reenacted" and insert in lieu thereof the word "enacted"
- On page 3, line 19, delete the numerals "1982" and insert in lieu thereof the numerals "1981"

On page 3, line 26, after the period insert the following sentences: "This subsection shall not apply to newly liable employers in industries with an average tax rate exceeding three percent. Newly liable employers in these industries shall pay the standard rate."

On page 9, after line 10, insert the following new section:


"SECTION 7. AMENDMENT. Subsections 1 and 2 of section 52-04-19.1 of the 1979 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. Benefits paid to employees of the state of North Dakota, its departments and instrumentalities, or any instrumentality of more than one of the foregoing, or an instrumentality of the foregoing and one or more other states, which are attributable to employment by an employing unit which, after December 31, 1977, is defined as an employer, shall be financed by one of the following methods:
  - a. By payment of contributions as provided under section 52-04-06, plus one-half the cost of the extended benefits paid that are attributable to wages paid by an employer.
  - b. By payment in lieu of contributions each quarter for the calendar years 1978 and 1979 in an amount equal to one percent of their total quarterly payroll, and the rate of contributions to be paid for each two-year period after 1979 shall be as determined by the bureau each January by computing the cost of benefits paid under chapters 52-06 and 52-07.1 which are attributable to wages paid by employers, and the bureau may modify such rate in order to minimize excess or insufficient payments in any prior periods.
  - c. In lieu of contributions an employer may elect to pay to the bureau for the unemployment fund an amount equal to the amount of benefits paid under chapters 52-06 and 52-07.1 which are attributable to wages paid in the employ of such governmental employer, to individuals for weeks of unemployment.
2. Benefits paid to employees of political subdivisions, other than state government, its departments and instrumentalities, or any instrumentality of more than one of the foregoing which are attributable to employment by an employing unit which, after December 31, 1977, is defined as an employer, shall be financed by one of the following methods:
  - a. By payment of contributions as provided under section 52-04-06 plus one-half the cost of the extended benefits paid that are attributable to wages paid by an employer.
  - b. By payment in lieu of contributions each quarter for the calendar year 1978 in an amount equal to one percent of their total quarterly payroll, and the rate of contribution to be paid quarterly each year after 1978 shall be determined by the bureau each January by computing the cost of benefits paid under chapters 52-06 and 52-07.1 which are attributable to wages paid by employers, and the bureau may modify such rate in order to minimize excess or insufficient payments in any prior periods.
  - c. In lieu of contributions an employer may elect to pay to the bureau for the unemployment fund an amount equal to the amount of benefits paid under chapters 52-06 and 52-07.1 which are attributable to wages

paid in the employ of such governmental employer, to individuals for weeks of unemployment."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

 Chairman  
Senator Reiten

Senate Bill No. 2141 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. 2162

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 10, after the word "insurances", add the following:

"except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience"

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

 Chairman  
Senator Reiten

Senate Bill No. 2162 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. 2247

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 Peterson

Senate Bill No. 2247 was placed on the 11th

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. 2256

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, after the word "malpractice" insert a period and the following words:

JOURNAL OF THE SENATE

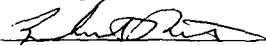
"However, the limitation will not be extended beyond six years of the act or omission of alleged malpractice by a nondiscovery thereof unless discovery was prevented by the fraudulent conduct of the physician or hospital"

On page 1, delete line 16

On page 1, line 17, delete the word "injured"

And renumber the lines and pages accordingly

And when so amended recommends the same do not pass.

 Chairman  
Senator Reiten

Senate Bill No. 2256 was placed on the Sixth

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


Mr. PRESIDENT: Your Committee on AGRICULTURE

to whom was referred Senate Bill No. 2269

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 Iszler

Senate Bill No. 2269 was placed on the Eleventh

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

Mr. PRESIDENT: Your Committee on POLITICAL SUBDIVISIONS

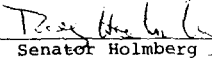
to whom was referred SENATE Bill No. 2270

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:

Committee on Appropriations. be re-referred to the

 Chairman  
Senator Holmberg

SENATE Bill No. 2270 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Social Services & Veterans Affairs

to whom was referred Senate Bill No. 2271

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:

And be rereferred to the Committee on Appropriations.

 Chairman  
Senator Peterson

Senate Bill No. 2271 was rereferred to the Committee on Appropriations.

Mr. PRESIDENT: Your Committee on AGRICULTURE

to whom was referred Senate Bill No. 2272

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 Iszler Chairman

Senate Bill No. 2272 was placed on the Eleventh

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

Mr. PRESIDENT: Your Committee on TRANSPORTATION

to whom was referred SENATE Bill No. 2275

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 Solberg Chairman

SENATE Bill No. 2275 was placed on the 11th

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

Mr. President: Your Committee on Natural Resources

to whom was referred Senate Bill No. 2287

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 Lee Chairman

Senate Bill No. 2287 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. 2299

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 Holmberg Chairman

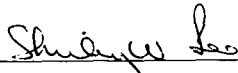
SENATE Bill No. 2299 was placed on the Eleventh

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

Mr. President: Your Committee on Natural Resources  
to whom was referred Senate Bill No. 2309

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:

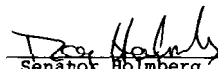
 Chairman  
Senator Lee  
Senate Bill No. 2309 was placed on the eleventh

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. 2317

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:

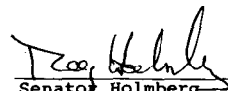
 Chairman  
Senator Holmberg  
SENATE Bill No. 2317 was placed on the Eleventh

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. 2326

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:

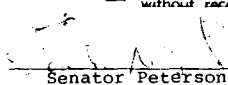
 Chairman  
Senator Holmberg  
SENATE Bill No. 2326 was placed on the Eleventh

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. 2340

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 Peterson  
Senate Bill No. 2340 was placed on the 11th



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. 2354

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 11, after the word "or", insert the words "a claimant's"

On page 1, line 18, after the word "or", insert the words "a claimant's"

On page 1, line 24, after the word "or", insert the words "a claimant's"

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

Senator Reiten Chairman  
Senate Bill No. 2354 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. 2355

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 17, after the period, delete the following words: "All moneys held by a person as"

On page 1, delete lines 18 through 21

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

Senator Reiten Chairman  
Senate Bill No. 2355 was placed on the Sixth

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. 2357

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:  
Committee on Appropriations

Senator Holmberg Chairman  
be re-referred to the

SENATE Bill No. 2357 was re-referred to the Committee  
on Appropriations.

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Mr. PRESIDENT : Your Committee on INDUSTRY, BUSINESS AND LABOR  
to whom was referred Senate Bill No. 2367

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 2, line 35, delete the word "recepticals" and insert in lieu thereof the word "receptacles"

On page 3, line 5, delete the first word "recepticals" and insert in lieu thereof the word "receptacles" and on the same line delete the second word "receptical" and insert in lieu thereof the word "receptacle"

On page 3, line 11 delete the word "recepticals" and insert in lieu thereof the word "receptacles"

On page 3, line 14, after the period, delete the word "This"

On page 3, delete lines 15 through 19

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

 Chairman  
Senator Reiten

Senate Bill No. 2367 was placed on the Sixth

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

Mr. PRESIDENT : Your Committee on AGRICULTURE  
to whom was referred Senate Bill No. 2368

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 Iszler

Senate Bill No. 2368 was placed on the Eleventh


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

Mr. President : Your Committee on Natural Resources  
to whom was referred Senate Bill No. 2381

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 Lee

Senate Bill No. 2381 was placed on the eleventh

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

Mr. PRESIDENT: Your Committee on JUDICIARY  
to whom was referred SENATE Bill No. 2393

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 Christensen Chairman


Senate Bill No. 2393 was placed on the eleventh

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

Mr. PRESIDENT: Your Committee on STATE AND FEDERAL GOVERNMENT  
to whom was referred Senate Bill No. 2403

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 Lodoen Chairman

Senate Bill No. 2403 was placed on the 11th

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

**CONSIDERATION OF AMENDMENTS**

Senator Lips moved that the amendments to Senate Bill No. 2017 recommended by the Committee on Appropriations and printed on page 455 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2037 recommended by the Committee on Appropriations and printed on page 456 of the Senate Journal be adopted, which motion prevailed.

Senator Nelson moved that the amendments to Senate Bill No. 2195 recommended by the Committee on Education and printed on pages 456, 457 of the Senate Journal be adopted, and that Senate Bill No. 2195 be laid over one legislative day, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2295 recommended by the Committee on Finance and Taxation and printed on page 458 of the Senate Journal be adopted, and that Senate Bill No. 2295 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Nelson moved that the amendments to Senate Bill No. 2404 recommended by the Committee on Education and printed on page 461 of the Senate Journal be adopted, and that Senate Bill No. 2404 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2412 recommended by the Committee on Appropriations and printed on pages 461 and 462 of the Senate Journal be adopted, which motion prevailed.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Senators Iszler, Naaden, Erickson introduced:

**Senate Concurrent Resolution No. 4047. — A concurrent resolution**

directing the Legislative Council to study and review the powers and authorities of irrigation districts, and related statutes pertaining to irrigation as contained in chapters 61-05 through 61-14 of the North Dakota Century Code.

Was read the first time and referred to the committee on Natural Resources.

**MOTIONS**

Senator Redlin moved that Senate Bill No. 2228 be laid over one legislative day, which motion prevailed.

Senator Nelson moved that Senate Bill No. 2353 be re-referred to the Committee on Education, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2015.** — A Bill for a Act making an appropriation for defraying the expenses of the state laboratories department of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

REGULAR SESSION									1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTEBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● 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 Bill No. 2030.** — A Bill for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 50, nays 0, absent and not voting 0.

REGULAR SESSION									1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTEBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● 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 Bill No. 2032.** — A Bill for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 49, nays 0, absent and not voting 1.

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

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes 49, nays 0, absent and not voting 1.

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			● 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 Bill No. 2238.** — A Bill for an Act to repeal sections 12.1-27.1-04, 12.1-27.1-05, 12.1-27.1-06, 12.1-27.1-07, 12.1-27.1-08, 12.1-27.1-09, and 12.1-27.1-10 of the North Dakota Century Code, relating to the prior determination of obscenity in a separate civil proceeding before a criminal prosecution may be brought, and related definitions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes 50, nays 0, absent and not voting 0.

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			● STREIBEL		
● ALBERS			● HANSON			● NEING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLI			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITE			● 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. 2284.** — A Bill for an Act to decrease the sales, use, and motor vehicle excise taxes if the general fund reaches a certain level.

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 4, nays 46, absent and not voting 0.

NORTH DAKOTA SENATE								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS	•	•	• GROETBERG	•	• NELSON	•	• STREIBEL	•
• ALBERS	•	•	• HANSON	•	• NETHING	•	• STROMME	•
• BAKWELL	•	•	• HOLMBERG	•	• OLIN	•	• TALLACKSON	•
• BARTH	•	•	• ISZLER	•	• PARKER	•	• TENNEFOS	•
• BERUBE	•	•	• LASHKOWITZ	•	• PETERSON	•	• THANE	•
• CHRISTENSEN, H. #5	•	•	• LEE	•	• QUAIL	•	• TIERNEY	•
• CHRISTENSEN, R. #24	•	•	• 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	•		

Senate Bill No. 2284 was declared lost.

**Senate Bill No. 2292.** — A Bill for an Act to amend and reenact subsection 22 of section 57-02-04 of the North Dakota Century Code, relating to a property tax exemption for homes owned and occupied by blind persons.

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 50, nays 0, absent and not voting 0.

NORTH DAKOTA SENATE								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS	•	•	• GROETBERG	•	• NELSON	•	• STREIBEL	•
• ALBERS	•	•	• HANSON	•	• NETHING	•	• STROMME	•
• BAKWELL	•	•	• HOLMBERG	•	• OLIN	•	• TALLACKSON	•
• BARTH	•	•	• ISZLER	•	• PARKER	•	• TENNEFOS	•
• BERUBE	•	•	• LASHKOWITZ	•	• PETERSON	•	• THANE	•
• CHRISTENSEN, H. #5	•	•	• LEE	•	• QUAIL	•	• TIERNEY	•
• CHRISTENSEN, R. #24	•	•	• 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. 2302.** — A Bill for an Act to provide an appropriation to the North Dakota state university for defraying the expenses of a calf diarrhea research program.

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 6, nays 4, absent and not voting 0.

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			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		●	LODDEN		●	ROEN			WALSH		●
DYKSHOORN		●	MELLAND			SHABLOW		●	WENSTROM		●
ERICKSON		●	MOORE		●	SOLBERG			WRIGHT		●
FRITZELL		●	MUTCH		●	SORUM			MR. PRESIDENT		
GOODMAN		●	NAADEN		●	STENEHJEM					

Senate Bill No. 2302 was declared lost.

**Senate Bill No. 2315.** — A Bill for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code to provide a township mill levy for law enforcement.

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 45, nays 3, 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			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		●	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. 2316.** — A Bill for an Act to amend and reenact subsection 3 of section 57-62-02 of the North Dakota Century Code, relating to the portion of the coal severance tax allocated to counties; 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 47, nays 0, absent and not voting 3.

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			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		●	LODDEN		●	ROEN			WALSH		●
DYKSHOORN		●	MELLAND			SHABLOW		●	WENSTROM		●
ERICKSON		●	MOORE		●	SOLBERG			WRIGHT		●
FRITZELL		●	MUTCH		●	SORUM			MR. PRESIDENT		
GOODMAN		●	NAADEN		●	STENEHJEM					

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

**MOTION**

Senator Reiten moved that Senate Bill No. 2318 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

**Senate Bill No. 2327.** — A Bill for an Act to amend and reenact section 37-01-25 of the North Dakota Century Code, relating to compensation and retention of status for national guard members, armed forces reserve members, or persons in federal noncivilian service who are public employees.

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 9, nays 39, 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
				GROTEBERG	•		NELSON			STREIBEL	•
		•		HANSON	•		NETHING	•		STROMME	•
		•		HOLMBERG	•		OLIN	•		TALLACKSON	•
		•		ISZLER	•		PARKER	•	•	TENNEFOS	•
		•		LASHKOWITZ	•	•	PETERSON			THANE	•
	H	•		LEE	•		QUAIL	•		TIERNEY	•
	R	•		LEIGHAM	•		REDLIN	•		TWETEN	•
•				LIPS	•		REITEN	•		VOSPER	•
			•	LODOEN			ROEN	•		WALSH	•
				MELLAND	•		SHABLOW			WENSTROM	•
				MOORE			SOLBERG	•		WRIGHT	•
		•		MUTCH			SORUM	•		MR. PRESIDENT	
				NAADEN	•	•	STENEHJEM				

Senate Bill No. 2327 was declared lost.

**Senate Bill No. 2359.** — A Bill for an Act to designate the university of North Dakota art galleries as the North Dakota state art gallery.

Which has been read.

Senator Lodoen moved that engrossed Senate Bill No. 2359 be amended as follows:

On page 1, of the engrossed bill, line 7, delete the word, "There"

On page 1, of the engrossed bill, delete lines 8 and 9, and insert the words "No general fund moneys shall be used to support the North Dakota art gallery now or in the future."

And renumber the lines accordingly.

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

Senator Redlin moved that the amendment be amended as follows:

On page 1 of the engrossed bill, line 8, after the word "art", place a period and delete the remainder of the line.

Senator Redlin moved that the amendment to the amendment be adopted, which motion lost.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2359 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2359.** — A Bill for an Act to designate the university of North Dakota art galleries as the North Dakota state art gallery.

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 7, absent and not voting 1.

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
•				GROTEBERG	•		NELSON		•	STREIBEL	
•			•	HANSON			NETHING			STROMME	•
•			•	HOLMBERG			OLIN		•	TALLACKSON	



• BARTH	• ISZLER	• PARKER	• TENNEFOS
• BERUBE	• LASKOWITZ	• PETERSON	• THANE
• CHRISTENSEN, H. #5	• LEE	• QUAIL	• TIERNEY
• CHRISTENSEN, R. #36	• 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. 2375.** — A Bill for an Act to amend and reenact subdivision 25 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of certain personal property; and to repeal section 57-02-17 and 57-02-22 of the North Dakota Century Code, relating to listing of personal property for assessment purposes.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes 49, nays 0, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
ROLL CALL											
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			• LASKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #36			• 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. 2387.** — A Bill for an Act to repeal sections 27-02-11, 27-02-12, 27-02-13, 27-02-14, and 27-02-15 of the North Dakota Century Code, relating to the rulemaking procedure of the supreme court.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes 49, nays 0, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
ROLL CALL											
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			• LASKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #36			• 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. 2388.** — A Bill for an Act to create and enact section 32-19.1-08 of the North Dakota Century Code, relating to the redemption period under the Short-Term Mortgage Redemption Act.

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 5, absent and not voting 0.

NORTH DAKOTA SENATE								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
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			● LODDOEN			● 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 Nething moved that the Senate stand in recess for fifteen minutes, which motion prevailed.

The Senate reconvened, with President Sands presiding.

**CONFIRMATION SESSION**

Senator Nething moved that the Senate resolve itself into a confirmation session, which motion prevailed.

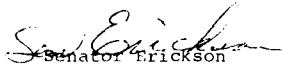
**REPORT OF SELECT COMMITTEES**

Mr. \_\_\_\_\_ President \_\_\_\_\_ : Your Select Committee appointed to

consider the nominations for membership on the State Board of Public School Education recommends that the Senate do advise and consent to the appointments of:

Mr. Dale Hurt, New Salem

Mr. Arthur S. Johnson, Ray



Chairman

Senator Erickson

moved that the report be adopted.

Senator Redlin requested a recorded roll call vote on the motion to adopt the select committee report to advise and consent to the appointments of Mr. Dale Hurt and Mr. Arthur S. Johnson, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the select committee report to advise and consent to the appointments of Mr. Dale Hurt and Mr. Arthur S. Johnson to the State Board of Public School Education, the roll was called and there were 13 ayes, 37 nays, absent and not voting 0.

NORTH DAKOTA SENATE								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
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			● LODDOEN			● ROEN		● WALSH
● DYKSHOORN		●	● MELLAND			● SHABLOW		● WENSTROM

ERICKSON ●	MOORE ●	SOLBERG ●	WRIGHT ●
FRITZELL ●	MUTCH ●	SORUM ●	MR. PRESIDENT ●
GOODMAN ●	NAADEN ●	STENEHJEM ●	

The select committee report was not adopted.

Mr. President: Your Select Committee appointed to

consider the nominations for membership on the State Historical Board recommends that the Senate do not advise and consent to the appointments of:

Mr. Dale West, Grand Forks

Mr. Larry Erickson, Minot

Senator Albers *Robert Albers*  
Chairman

Senator Albers moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Select Committee appointed to

consider the nominations for membership on the State Historical Board recommends that the Senate do advise and consent to the appointment of:

Ms. Louise Stockman, Fargo

Senator Albers *Robert Albers*  
Chairman

Senator Albers moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Select Committee appointed to

consider the appointments for membership to the Council on the Arts recommends that the Senate do advise and consent to the appointment of:

Mrs. Ruth Just, Bismarck

*Russell M. Cussons*  
Senator Cussons  
Chairman

Senator Cussons moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Select Committee appointed to

consider the appointments for membership to the Council on the Arts recommends that the Senate do not advise and consent to the appointments

of:

Mr. Richard Weber, Bismarck

Ms. Mary Muhlbradt, Minot

Ms. Jean Waldera, Dickinson

Ms. N. Ruth Adams, Minot

*James M. Cussons*  
 Senator Cussons  
 Chairman

Senator Cussons ..... moved that the report be adopted,

Senator Redlin requested a recorded roll call vote on the motion to adopt the select committee report not to advise and consent to the appointments of Mr. Richard Weber, Ms. Mary Muhlbradt, Ms. Jean Waldera and Ms. N. Ruth Adams, which request was granted.

### ROLL CALL

The question being on the motion to adopt the select committee report not to advise and consent to the appointments of Mr. Richard Weber, Ms. Mary Muhlbradt, Ms. Jean Waldera, and Mrs. N. Ruth Adams to the Council on the Arts, the roll was called and there were 40 ayes, 10 nays, absent and not voting 0.

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			● GROTEBERG		●	● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		●
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		●
● BARTH		●	● ISZLER			● PARKER			● TENNEFOS		
● BERUBE		●	● LASHKOWITZ		●	● PETERSON			● THANE		
● CHRISTENSEN, H. #1			● LEE			● QUAIL			● TIERNEY		●
● CHRISTENSEN, R. #2			● LEIBMAN			● REDLIN		●	● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTSENROD		●	● LODOEN			● ROEN			● WALSH		●
● DYKSHOORN			● MELLAND			● SHABLOW		●	● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● NUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

The select committee report was adopted.

### POINTS OF PERSONAL PRIVILEGE

Senator Redlin:

Mr. President, members of the Senate, I am greatly disappointed in the manner in which the appointments to the Arts Council were handled and the less than ideal treatment which was accorded the appointees.

I believe that all appointments made by the executive branch bear consideration as to the qualifications and character of the appointee. There will always be overlaps of appointments whenever there is a change of administration. Each administration will encounter this fact. Our job should be to evaluate fitness of appointees as they come before us.

During the deliberations of our committee, our chairman clearly indicated that he had a message from Governor Olson's office that one particular person was one he wanted. Whereupon our committee proceeded to vote to recommend that the Senate confirm that person and promptly voted against recommending the other four names which had been submitted. The chairman indicated that it was not a question of qualifications, but that is just the way it is.

Due to statutory requirements, the nominees had received a letter of reappointment from the new Governor which served to further confuse these fine people.



● ADAMS		GROTEBERG ●	● 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	

The select committee report was adopted.

#### MOTIONS

Senator Nothing moved that the Senate dissolve itself from the confirmation session, which motion prevailed.

Senator Nothing moved that the select committees that were appointed to hear the nominations to the office of Director of Institutions, the Coal Impact Office, the State Board of Higher Education, the Council on the Arts, the State Board of Public School Education, the State Historical Board and the Post Secondary Education Commission be discharged, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**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 26, nays 24, absent and not voting 0.

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		●	● GROTEBERG			● 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 Bill No. 2413.** — A Bill for an Act to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 50, nays 0, absent and not voting 0.

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		●	● GROTEBERG			● 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	• NAAEDEN	• STENEHJEM	

So the bill passed and the title was agreed to.

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

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes 49, nays 1, absent and not voting 0.

REGULAR SESSION			NORTH DAKOTA SENATE			1981 LEGISLATURE		
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. JW	•		• 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	•		• NAAEDEN	•		• STENEHJEM	•	

So the bill passed and the title was agreed to.

**Senate Bill No. 2434.** — A Bill for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to jurisdictional limits of the small claims court.

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 2, nays 47, absent and not voting 1.

REGULAR SESSION			NORTH DAKOTA SENATE			1981 LEGISLATURE		
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. JW	•		• 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	•		• NAAEDEN	•		• STENEHJEM	•	

Senate Bill No. 2434 was declared lost.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1043.** — A Bill for an Act to create and enact sections 4-09.1-06, 4-26-08.1, and 19-01-19 of the North Dakota Century Code, relating to appeals from decisions of the state seed commissioner and the state laboratories department; and to amend and reenact sections 4-09-21, 4-11-19, 04-11-20, 4-26-08, 19-01-02, 19-02-14, 19-03-1-15, 19-03-1-26, 19-07-02, 19-08-03, 19-10-02, 19-14-06, 19-16.1-06, 19-17-04, 19-18-05, 19-21-05, 23-09-02.1, 24-17-10, 24-17-15, and 39-21-44 of the North Dakota Century Code, relating to exempting interest rate regulations of the state banking board from the notice and hearing requirements of Adminis-

trative Agencies Practice Act and subjecting the seed commission, laboratories department, highway corridor board, and hazardous materials regulations of the motor vehicle department to the requirements of the Administrative Agencies Practice Act; and to repeal sections 24-17-13 and 24-17-14 of the North Dakota Century Code, relating to hearing and rule publication requirements of the highway corridor board.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 49, nays 0, 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
●			●			●			●		
ADAMS			GROTBERG			NELSON			STREIBEL		
●			●			●			●		
ALBERS			HANSON			NETHING			STROMME		
●			●			●			●		
BAKEWELL			HOLMBERG			OLIN			TALLACKSON		
●			●			●			●		
BARTH			ISLER			PARKER			TENNEFOS		
●			●			●			●		
BERUBE			LASHKOWITZ			PETERSON			THANE		
●			●			●			●		
CHRISTENSEN, H. JS			LEE			QUAIL			TIERNEY		
●			●			●			●		
CHRISTENSEN, R. JS			LEIBHAN			REDLIN			TWETEN		
●			●			●			●		
CUSSONS			LIPS			REITEN			VOSPER		
●			●			●			●		
DOTZENROD			LODGEN			ROEN			WALSH		
●			●			●			●		
DYKSHOORN			MELLAND			SHALLOW			WENSTROM		
●			●			●			●		
ERICKSON			MOORE			SOLBERG			WRIGHT		
●			●			●			●		
FRITZELL			MUTCH			SORUM			MR. PRESIDENT		
●			●			●					
GOODMAP			NAADEN			STENERJEM					

So the bill passed and the title was agreed to.

### 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. 1018  
 House Bill No. 1185  
 House Bill No. 1188  
 House Bill No. 1195  
 House Bill No. 1367  
 House Bill No. 1403  
 House Bill No. 1507  
 House Bill No. 1511  
 House Bill No. 1557

ROY GILBREATH, Chief Clerk

### MESSAGES 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 Bill No. 2008  
 Senate Bill No. 2081  
 Senate Bill No. 2112  
 Senate Bill No. 2122  
 Senate Bill No. 2123  
 Senate Bill No. 2130  
 Senate Bill No. 2142  
 Senate Bill No. 2159  
 Senate Bill No. 2224  
 Senate Bill No. 2276  
 Senate Bill No. 2281  
 Senate Bill No. 2335



Senate Bill No. 2418  
Senate Bill No. 2422  
Senate Bill No. 2423  
Senate Bill No. 2431

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Concurrent Resolution No. 3033

LEO LEIDHOLM, Secretary

FIRST READING OF HOUSE BILLS

**House Bill No. 1079.** — A Bill for an Act to create and enact a new section to chapter 40-02 of the North Dakota Century Code, relating to appeals from final actions by boards of county commissioners on petitions for incorporation; and to amend and reenact sections 40-02-01, 40-02-02, 40-02-04, 40-02-05, 40-02-06, 40-02-07, 40-02-10, 40-02-11, and 40-02-12 of the North Dakota Century Code, relating to the requisites of incorporation as a city, requirement of census, examination of survey, map, and census, notice of petition, petition for incorporation, notice of election, election returns, division of new city, and order of incorporation.

Was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1096.** — A Bill for an Act to create and enact section 6-09-15.4 of the North Dakota Century Code, relating to the Bank of North Dakota making loans to beginning businessmen.

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

**House Bill No. 1125.** — A Bill for an Act to provide for the regulation and control, permitting, registration, inspection, and impounding of sources of nonionizing radiation by the state department of health; and to provide penalties.

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

**House Bill No. 1201.** — A Bill for an Act to create and enact a new subsection to section 20.1-13-03, a new subsection to section 20.1-13-05, and a new subsection to section 20.1-13-10 of the North Dakota Century Code, relating to motorboat identification numbers and licenses, equipment of vessels, and water skis and surfboards; to amend and reenact sections 20.1-13-02 and 20.1-13-04 of the North Dakota Century Code, relating to operation of unnumbered and unlicensed motorboats and licensing watercraft for hire; and to provide a penalty.

Was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1234.** — A Bill for an Act to provide for the establishment of school safety patrols.

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

**House Bill No. 1297.** — A Bill for an Act to regulate the relationship between beer wholesalers and brewers; to prohibit inducement or coercion, dual distributorship, retaliatory action, discrimination, and waiver; and to provide for definitions, agreement cancellation, notice of intent to terminate, sale of business, reasonable compensation for wrongful cancellation, judicial remedies, product price, wholesaler management, sale of brewer, coverage of the Act, right of free association, and application of the Act when in conflict with title 51.

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

**House Bill No. 1336.** — A Bill for an Act to amend and reenact subsection 2 of section 15-47-38 of the North Dakota Century Code, relating to dismissal of teachers under the Administrative Agencies Practices Act.

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

**House Bill No. 1354.** — A Bill for an Act to amend and reenact section 40-50-04 of the North Dakota Century Code, relating to the listing of owners of individual lots in a certified plat.

Was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1357.** — A Bill for an Act to amend and reenact sections 10-06-02 and 10-06-03 of the North Dakota Century Code, relating to the disposal of agricultural lands acquired by corporations.

Was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1362.** — A Bill for an Act providing for regulation of the exploration, development, and utilization of geothermal resources by the industrial commission; and providing penalties.

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

**House Bill No. 1377.** — A Bill for an Act to amend and reenact section 35-07-02 of the North Dakota Century Code, relating to the time within which a threshing lien must be obtained.

Was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1391.** — A Bill for an Act to amend and reenact section 40-24-17 of the North Dakota Century Code, relating to collection of special assessments by the county treasurer.

Was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1426.** — A Bill for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to the interest rate allowable on judgments.

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

**House Bill No. 1468.** — A Bill for an Act to amend and reenact sections 11-33-03, 40-47-03, and 58-03-12 of the North Dakota Century Code, relating to the purpose of zoning regulations and the definition of the term "comprehensive plan".

Was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1476.** — A Bill for an Act to amend and reenact section 11-28.2-04.1 and subsection 8 of section 21-03-06 of the North Dakota Century Code, relating to improvements by recreation service districts, and to purposes for bond issues by recreation service districts.

Was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1477.** — A Bill for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to foster care for children.

Was read the first time and referred to the Committee on Social

Services and Veterans Affairs.

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

Senator Nething moved that at the conclusion of the 13th Order of Business and after the reading of Senate Bills Nos. 2017, 2037, 2228, 2247, 2269, 2272, 2275, 2287, 2299, 2309, 2317, 2326, 2340, 2368, 2381, 2393, 2403 and 2412, the Senate adjourn and convene at 1:00 p.m., Friday, February 6, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary