

## FORTY-EIGHTH DAY

Bismarck, March 13, 1981

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

The prayer was offered by Samuel McPeck, student pastor, Zion Lutheran Church, Bismarck.

Let us pray. Most merciful God, who is the supreme ruler of all things, You govern our nights and days, keeping us in Your holy protection. We humbly come before You this day, asking Your blessing upon the tasks that we are about to perform. Keep us from all malice and contempt, that we may do our work in a spirit of wisdom, kindness and justice. Help us to use our authority to serve faithfully and to promote the general welfare of this state and nation that we may be at peace with ourselves and with others around us, through Jesus Christ Your Son, Our Lord. Amen.

The roll was called and all members were present except Senators Barth, H. Christensen, Melland, Roen and Wright.

A quorum as 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 Forty-seventh day and recommends that the same be corrected as follows:

On page 1288, line 22, after the word "relating" insert the word "to"

On page 1316, line 32, delete "1259" and insert in lieu thereof "1249"

And when so corrected recommends that the same be approved.



Senator Tennessee Chairman

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

**PRESENTATION OF PETITIONS AND COMMUNICATIONS**

March 12, 1981

The Honorable Ernest M. Sands  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505  
Dear Mr. President:

This is to inform you that on March 12, 1981, I signed the following Senate Bills:

Senate Bill: 2099  
Senate Bill: 2100  
Senate Bill: 2103  
Senate Bill: 2143

Senate Bill: 2159  
 Senate Bill: 2238  
 Senate Bill: 2241  
 Senate Bill: 2330

Sincerely,  
 ALLEN I. OLSON  
 Governor

**SIGNING OF BILLS AND RESOLUTIONS**

The Secretary announced that the President signed the following:

House Bill No. 1025  
 House Bill No. 1159  
 House Bill No. 1165  
 House Bill No. 1455  
 House Bill No. 1461  
 House Bill No. 1501  
 House Bill No. 1584  
 House Bill No. 1607  
 House Bill No. 1614

LEO LEIDHOLM, Secretary

**MESSAGE TO THE HOUSE**  
 Senate Chamber

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

House Bill No. 1025  
 House Bill No. 1159  
 House Bill No. 1165  
 House Bill No. 1455  
 House Bill No. 1461  
 House Bill No. 1501  
 House Bill No. 1584  
 House Bill No. 1607  
 House Bill No. 1614.

Which the President has signed.

LEO LEIDHOLM, Secretary

**Report of Procedural Committee**

MR. PRESIDENT:

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

Senate Bill No. 2106  
 Senate Bill No. 2107  
 Senate Bill No. 2139  
 Senate Bill No. 2168  
 Senate Bill No. 2227  
 Senate Bill No. 2287  
 Senate Bill No. 2294  
 Senate Bill No. 2307  
 Senate Bill No. 2309  
 Senate Bill No. 2326  
 Senate Bill No. 2345  
 Senate Bill No. 2369  
 Senate Bill No. 2371  
 Senate Concurrent Resolution No. 4023  
 Senate Concurrent Resolution No. 4029  
 Senate Concurrent Resolution No. 4040  
 Senate Concurrent Resolution No. 4052  
 Senate Concurrent Resolution No. 4061  
 Senate Concurrent Resolution No. 4074

and find the same correctly

{ Enrolled

*Stella H. Fritzell*  
 \_\_\_\_\_  
 Stella Fritzell Chairman

Senator Dotzenrod

moved that the report be adopted, which motion prevailed.

MR. PRESIDENT:

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

House Bill No. 1365

and find the same correctly

{ Engrossed

*Stella H. Fritzell*  
 \_\_\_\_\_  
 Stella Fritzell Chairman

Senator Dykshoorn

moved that the report be adopted, which motion prevailed.

MR. PRESIDENT:

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

House Bill No. 1092

and find the same correctly

Re { Engrossed

*Stella H. Fritzell*  
 \_\_\_\_\_  
 Stella Fritzell Chairman

Senator Bakewell

moved that the report be adopted, which motion prevailed.

MESSAGES FROM THE HOUSE  
 House Chamber

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

- Senate Bill No. 2188
- Senate Bill No. 2226
- Senate Bill No. 2263
- Senate Bill No. 2329
- Senate Bill No. 2368
- Senate Bill No. 2400
- Senate Bill No. 2409
- Senate Concurrent Resolution No. 4011
- Senate Concurrent Resolution No. 4038
- Senate Concurrent Resolution No. 4039
- Senate Concurrent Resolution No. 4044
- Senate Concurrent Resolution No. 4048
- Senate Concurrent Resolution No. 4058

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

House Chamber

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

- House Bill No. 1265
- House Bill No. 1266
- House Bill No. 1354
- House Bill No. 1385
- House Bill No. 1400
- House Bill No. 1413

House Bill No. 1425

House Bill No. 1446

House Bill No. 1499

House Bill No. 1540

House Bill No. 1609

House Concurrent Resolution No. 3079

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

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2038

Senate Bill No. 2118

Senate Bill No. 2122

Senate Bill No. 2184

Senate Bill No. 2247

Senate Bill No. 2274

Senate Bill No. 2296

Senate Bill No. 2299

Senate Bill No. 2338

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL NO. 2038

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

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

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

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

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

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

## HOUSE AMENDMENTS TO SENATE BILL NO. 2118

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

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2122

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

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2184

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

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

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

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

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

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

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

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

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2247

On page 1, after line 15, insert the following:

"However, services may not be withheld because of inability to pay any fees established under this section."

And renumber the lines accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2274

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

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2296

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

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2299

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

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

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2338

On page 1 of the engrossed bill, line 1, after the the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 1 and subsection 2 of section 7 of initiated measure No. 6 as enacted by the people of the state of North Dakota, to provide a statement of legislative intent concerning water development and providing for creation of a resources trust fund; providing an appropriation and transfer; and declaring an emergency.

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

SECTION 1. AMENDMENT. Section 1 of initiated measure No. 6 as adopted at the general election in 1980 is hereby amended and reenacted to read as follows:

SECTION 1. INTENT. It is the intent of the electors of the state of North Dakota and the legislative assembly to increase the funding of educational opportunities for students in the elementary and

secondary schools in North Dakota, to provide funds for Grafton state school, to provide for water development and utilization and energy conservation and development programs, and to equalize the tax structure and revenue sources of the state by enactment of an excise tax to be known as the "oil extraction tax" and enactment of an income tax credit and a credit for the county's twenty-one mill property tax levy for schools.

The legislative assembly has determined that many areas within the state of North Dakota do not have adequate water supplies for municipal, domestic, livestock, light industrial, and other uses. However, adequate water supplies are essential for the social and economic stability of municipalities and rural areas. It is, therefore, declared to be in the best interest of the people of the state of North Dakota to establish a resources trust fund to be used to construct, or assist in the construction of, multiple use water supply facilities. The legislative assembly also recognizes that appropriate planning to meet current and long-range water needs for the benefit of all of the citizens of the state of North Dakota is a matter of concern and high priority. The legislative assembly further intends that revenues, generated by use of any facilities constructed, in whole or in part, with financing from the resources trust fund, shall be deposited in the resources trust fund.

SECTION 2. AMENDMENT. Subsection 2 of section 7 of initiated measure No. 6 as adopted by the people at the general election in 1980 is hereby amended and reenacted to read as follows:

2. Ten percent shall be allocated and credited to a special trust fund, to be known as the resources trust fund, to be established in the state treasury and shall be deposited and invested as are other state funds to earn the maximum amount permitted by law, ~~provided that~~ which income shall be deposited in the resources trust fund. ~~Provided, the first fifteen million dollars allocated and credited to this special~~ the resources trust fund shall be appropriated by the legislative assembly for Grafton state school for the remodeling or reconstruction and equipping of existing buildings and other facilities, for the construction and equipping of new buildings and other facilities, and for providing additional staffing for that institution, as shall be provided by the legislative assembly. ~~The principal of this special trust fund shall not be used for any other purpose, but the income therefrom shall be administered by the state industrial commission pursuant to appropriations made by the legislative assembly for the following;~~ The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and shall be available to:
  - a. The state water conservation commission for planning for and construction of water supply facilities; and
  - b. The industrial commission for the funding of programs for development of energy conservation and renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for

development of waste products utilization; and for the making of grants and loans in connection therewith. ~~Any income earned by the special trust fund that is not appropriated by the legislative assembly or if appropriated but not expended or loaned by the state industrial commission by the end of a fiscal biennium shall be transferred to the state's general fund.~~

### SECTION 3. APPROPRIATION.

1. There is hereby appropriated from any moneys in the general fund the sum of \$983,000, or so much thereof as may be necessary, to the state water conservation commission for the biennium beginning July 1, 1981, and ending June 30, 1983. This appropriation is not subject to the provisions of section 54-27-10.
2. The moneys appropriated by this section shall be used by the state water conservation commission to contract for preliminary designs for a water supply facility for supplementation of the water resources of Dickinson and the area of North Dakota south and west of the Missouri River with water supplies from the Missouri River for multiple purposes including domestic, rural water district, and municipal uses. The plan shall utilize a pipeline delivery system. The preliminary designs shall be submitted to the legislative council, or its designee, on or before October 1, 1982.
3. The state water commission may use all or any part of the moneys herein appropriated to match any federal funds available for such purposes.
4. The first nine hundred eighty-three thousand dollars allocated and credited to the resources trust fund, following the collection and transfer of fifteen million dollars as provided for in section 2 of this Act, shall be transferred by the state treasurer to the general fund.

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 and pages accordingly

House Chamber

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

Senate Bill No. 2056  
 Senate Bill No. 2097  
 Senate Bill No. 2193  
 Senate Bill No. 2259  
 Senate Bill No. 2261  
 Senate Bill No. 2276  
 Senate Bill No. 2281  
 Senate Bill No. 2303

ROY GILBREATH, Chief Clerk

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3081. — A concurrent resolution providing for the completion of the legislative journals of the House and the Senate.



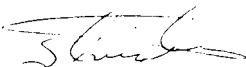
Was read the first time.

Senator Nething moved that House Concurrent Resolution No. 3081 not be printed, not be referred to a committee, but printed in the Journal and laid over one legislative day, which motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 3081

Introduced by

Representative Strinden



Senator Nething

A concurrent resolution providing for the completion of the legislative journals of the House and the Senate.

WHEREAS, after termination of the Forty-seventh Legislative Assembly a complete record with index of the House and Senate journals must be prepared;

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

That Roy Gilbreath, Chief Clerk of the House, and Leo Leidholm, Secretary of the Senate, are hereby authorized and employed to prepare an index of journals of the Forty-seventh Legislative Assembly, and are also directed to arrange for and procure sufficient assistance to ensure that the foregoing work shall be completed within 30 days after the close of the session; and

BE IT FURTHER RESOLVED, that for the expenses of the said Roy Gilbreath and Leo Leidholm, in completing the work required above, there shall be allowed the sum of \$3,300 each, which shall include compensation for any assistance which they deem necessary, all to be paid as other legislative expense is paid, and when the respective claims are verified by the affidavits of the said Roy Gilbreath and Leo Leidholm showing completion of such work.

MOTION

Senator Nething moved that the Senate request from the House, the return of House Bill No. 1512, which motion prevailed.

MESSAGE TO THE HOUSE  
Senate Chamber

Mr. President:

The Senate respectfully requests the return of House Bill No. 1512.

Very respectfully,

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

Senator Lips moved that the amendments to House Bill No. 1007 recommended by the Committee on Appropriations and printed on pages 1304, 1305 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1012 recommended by the Committee on Appropriations and printed on page 1305 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1014 recommended by the Committee on Appropriations and printed on page 1306 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1016 recommended by the Committee on Appropriations and printed on page 1306 of the Senate Journal be adopted, which motion prevailed.

MOTION

Senator Streibel moved that House Bill No. 1019 be amended as follows:

On page 1 of the engrossed bill, line 11, delete the words "superintendent of public instruction" and insert in lieu thereof the words "department of accounts and purchases"

Senator Streibel moved that the amendments be adopted, which motion prevailed

Senator Lips moved that the amendments to House Bill No. 1019 recommended by the Committee on Appropriations and printed on page 1307 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1021 recommended by the Committee on Appropriations and printed on page 1308 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1028 recommended by the Committee on Appropriations and printed on page 1308 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1030 recommended by the Committee on Appropriations and printed on page 1309 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that consideration of the amendments to House Bill No. 1038 be laid over one legislative day, which motion prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1060 recommended by the Committee on Judiciary and printed on page 1311 of the Senate Journal be adopted, which motion prevailed.

Senator Stenehjem moved that consideration of the amendments to House Bill No. 1105 be laid over one legislative day, which motion prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1127 recommended by the Committee on Judiciary and printed on page 1312 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1197 recommended by the Committee on Judiciary and printed on page 1313 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that consideration of the amendments to House Bill No. 1199 be laid over three legislative days, which motion

prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1225 recommended by the Committee on Judiciary and printed on page 1315 of the Senate Journal be adopted, which motion prevailed.

Senator Holmberg moved that the amendments to House Bill No. 1249 recommended by the Committee on Political Subdivisions and printed on page 1316 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1284 recommended by the Committee on Finance and Taxation and printed on page 1317 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1328 recommended by the Committee on Appropriations and printed on page 1317 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that consideration of the amendments to House Bill No. 1374 be laid over two legislative days, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1424 recommended by the Committee on Finance and Taxation and printed on page 1319 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1473 recommended by the Committee on Judiciary and printed on page 1321 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1502 recommended by the Committee on Finance and Taxation and printed on page 1322 of the Senate Journal be adopted, which motion prevailed.

Senator Holmberg moved that the amendments to House Bill No. 1504 recommended by the Committee on Political Subdivisions and printed on page 1322 of the Senate Journal be adopted, which motion prevailed.

Senator Lashkowitz moved that consideration of the amendments to House Bill No. 1509 be laid over one legislative day, which motion prevailed.

Senator Stenehjelm moved that consideration of the amendments to House Bill No. 1516 be laid over one legislative day, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1542 recommended by the Committee on Finance and Taxation and printed on page 1327 of the Senate Journal be adopted, which motion prevailed.

Senator Lee moved that the amendments to House Bill No. 1591 recommended by the Committee on Natural Resources and printed on page 1328 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the amendments to House Bill No. 1632 recommended by the Committee on State and Federal Government and printed on page 1329 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to House Concurrent Resolution No. 3053 recommended by the Committee on Judiciary and printed on page 1331 of the Senate Journal be adopted, which motion prevailed.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

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

Senate Bill No. 2051

Senate Bill No. 2069

Senate Bill No. 2070  
 Senate Bill No. 2090  
 Senate Bill No. 2166  
 Senate Bill No. 2282  
 Senate Bill No. 2288  
 Senate Bill No. 2325  
 Senate Bill No. 2339  
 Senate Bill No. 2349  
 Senate Bill No. 2375  
 Senate Bill No. 2383  
 Senate Bill No. 2418  
 Senate Bill No. 2429

and Senate Concurrent Resolution 4018,  
 and subsequently passed the same.

But refused to concur in the House amendment to:

Senate Bill No. 2101  
 Senate Bill No. 2132  
 Senate Bill No. 2201

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

Senate Bill No. 2101  
 Senator Erickson  
 Senator Peterson  
 Senator Dotzenrod  
 Senate Bill No. 2132  
 Senator Stenehjem  
 Senator Adams  
 Senator Grotberg  
 Senate Bill No. 2201  
 Senator Albers  
 Senator Solberg  
 Senator Bakewell  
 Very respectfully,

LEO LEIDHOLM, Secretary

#### Senate Chamber

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

House Bill No. 1262  
 House Bill No. 1410  
 House Bill No. 1562  
 House Bill No. 1645  
 House Bill No. 1655  
 House Concurrent Resolution No. 3018  
 House Concurrent Resolution No. 3022  
 House Concurrent Resolution No. 3029  
 House Concurrent Resolution No. 3037  
 House Concurrent Resolution No. 3038  
 House Concurrent Resolution No. 3059  
 House Concurrent Resolution No. 3064  
 House Concurrent Resolution No. 3070  
 House Concurrent Resolution No. 3071  
 House Concurrent Resolution No. 3076

Very Respectfully,

LEO LEIDHOLM, Secretary  
Senate Chamber

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

- House Bill No. 1084
- House Bill No. 1132
- House Bill No. 1178
- House Bill No. 1227
- House Bill No. 1484
- House Bill No. 1589
- House Bill No. 1638

Very Respectfully,

LEO LEIDHOLM, Secretary  
Senate Chamber

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

- House Bill No. 1308
- House Concurrent Resolution No. 3024

Very Respectfully,

LEO LEIDHOLM, Secretary

**POINT OF PERSONAL PRIVILEGE**

Senator Bakewell: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal.

The UND-Williston Tetons girls basketball team that visited the Senate as my guests a month ago, and as you may all remember, has as one of its members my daughter, playing in her second year, defeated Rock Springs, Wyoming in a playoff game for a position in the nationals last night on their floor by a score of 78-46.

They are presently on their way to Kansas City to again play in the national junior college girl's basketball tournament.

I will be keeping you informed as to their results. They placed third in 1979 and seventh in 1980 and are looking for championship this year.

**Report of Standing Committee**

Mr. President: Your Committee on Natural Resources  
to whom was referred Senate Bill No. 2437

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 18, delete the word "wells" and insert in lieu thereof the words "well property"

And renumber the lines and pages accordingly

And when so amended recommends the same &  be referred to the Committee on Appropriations.

Anthony W. Lee Chairman  
Senator Lee

Senate Bill No. 2437 was placed on the sixth

MOTION

Senator Moore moved that the rules be suspended, that Senate Bill No. 2437 be placed on the 6th Order of Business for consideration of amendments at this time, which motion prevailed.

CONSIDERATION OF AMENDMENTS

Senator Moore moved that the amendments to Senate Bill No. 2437 recommended by the Committee on Natural Resources be adopted, and that Senate Bill No. 2437 be re-referred to the Committee on Appropriations, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

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

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, 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			● LODDOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAN			● SHABLOW			● WENSTRUM		
● ERIKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

Senate Concurrent Resolution No. 4087 was declared adopted.

MOTIONS

Senator Stenehjsem moved that House Bill No. 1619 be laid over one legislative day, which motion prevailed.

Senator Lee moved that House Concurrent Resolution No. 3072 be re-referred to the Committee on Natural Resources, which motion prevailed.

SECOND READING OF HOUSE BILLS

**House Bill No. 1380.** — 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 allowance of exemptions in bankruptcy proceedings to provide that state exemptions allowed a debtor in bankruptcy proceedings are exclusive.

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 45, absent and not voting 5.

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

House Bill No. 1380 was declared lost.

**House Bill No. 1497.** — A Bill for an Act to amend and reenact section 57-20-01 and subsection 2 of section 57-26-03 of the North Dakota Century Code, relating to the penalties assessed for delinquent property taxes and redemption from real estate tax sales.

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 43, nays 4, absent and not voting 3.

REGULAR SESSION									NORTH DAKOTA SENATE									1981 LEGISLATURE								
YEAS			N-V			NAYS			YEAS			N-V			NAYS			YEAS			N-V			NAYS		
● ADAMS									● GROTBERG										● 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. #34									● LEIBHAN										● REDLIN							● TWETEN
● CUSSONS									● LIPS										● REITEN							● VOSPER
● DOTZENROD									● LODOEN										● ROEN							● WALSH
● DYKSHOORN									● MELLAN										● SHABLOW							● WENSTROM
● ERICKSON									● MOORE										● SOLBERG							● WRIGHT
● FRITZELL									● MUTCH										● SORUM							● MR. PRESIDENT
● GOODMAN									● NAADEN										● STENEHJEM							

So the bill passed and the title was agreed to.

**House Bill No. 1532.** — A Bill for an Act to create and enact a new section to chapter 11-28.2 of the North Dakota Century Code, relating to the authority of county recreation service districts to levy a tax for general purposes.

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 39, nays 8, absent and not voting 3.

REGULAR SESSION									NORTH DAKOTA SENATE									1981 LEGISLATURE								
YEAS			N-V			NAYS			YEAS			N-V			NAYS			YEAS			N-V			NAYS		
● ADAMS									● GROTBERG										● 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. #34									● LEIBHAN										● REDLIN							● TWETEN
● CUSSONS									● LIPS										● REITEN							● VOSPER
● DOTZENROD									● LODOEN										● ROEN							● WALSH
● DYKSHOORN									● MELLAN										● SHABLOW							● WENSTROM
● ERICKSON									● MOORE										● SOLBERG							● WRIGHT
● FRITZELL									● MUTCH										● SORUM							● MR. PRESIDENT
● GOODMAN									● NAADEN										● STENEHJEM							

So the bill passed and the title was agreed to.

**House Bill No. 1541.** — A Bill for an Act to allow fair boards to conduct amusement games, amusement devices, or bingo; to provide for definitions, eligible organizations, licensing, fees, applications, suspension, revocation, amusement concessions, permitted locations, administrative rules, statements of receipts and expenses, examination of books and records, and unlawful gambling; and to provide a penalty.

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 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			• 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			• LEIBMAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODOEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLANP			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAAEDEN			• STENEHJEM					

So the bill passed and the title was agreed to.

**House Bill No. 1554.** — A Bill for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code to meet the special interest of the state in encouraging unmarried pregnant minors to seek the advice and counsel of their parents when faced with the decision whether or not to bear a child; and to declare an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 35, nays 12, 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			• LEIBMAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODOEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLANP			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAAEDEN			• STENEHJEM					

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

**House Bill No. 1615.** — A Bill for an Act to create and enact a new section to chapter 57-38.2 of the North Dakota Century Code, relating to qualified plan income averaging for income tax purposes; to amend and reenact subsection 8 of section 57-37.1-01, and sections 57-38.2-02 and 57-38.2-04 of the North Dakota Century Code, relating to updating the federalization of the state estate tax, qualified plan income averaging, and rules and regulations for the administration of income averaging; and providing an effective date.

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.

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. #34	• LEIBMAN	• 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	• STENEHEJM	

So the bill passed and the title was agreed to.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**House Concurrent Resolution No. 3020.** — A concurrent resolution directing the Legislative Council to study the granting of sabbatical leave for judges.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3020 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3041.** — A concurrent resolution urging continued discussion and cooperation among state agencies, federal agencies, and the interested public to resolve expeditiously the conflict over mitigation acreage for federally assisted development projects and develop an acceptable wildlife habitat preservation and management plan for the state.

Was read the second time.

The question being on the final adoption of the resolution, as amended, House Concurrent Resolution No. 3041 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3052.** — A concurrent resolution directing the Legislative Council to conduct a study of the feasibility and desirability of consolidating city, school district, and primary elections.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3052 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3057.** — A concurrent resolution directing a Legislative Council study of the exemption of government property from taxation.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3057 was declared lost on a voice vote.

**House Concurrent Resolution No. 3061.** — A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan, or alternative legislative reapportionment plans, for use during the 1983 Legislative Session, or at such other time prior to that session as may be appropriate.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3061 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3074.** — A concurrent resolution directing a Legislative Council study of the workmen's compensation wage base and premium determinations.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3074 was declared adopted on a voice vote.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1037.** — A Bill for an Act making an appropriation for

the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

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		•	GROETBERG		•	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. JW		•	LEIBHAN		•	REDLIN		•	TWETEN	
•	CUSSONS		•	LIPS		•	REITEN		•	VOSPER	
•	DOTZENROD		•	LOODEN		•	ROEN		•	WALSH	
•	DYKSHOORN		•	MELLAN		•	SHABLOW		•	WENSTROM	
•	ERICKSON		•	MOORE		•	SOLBERG		•	WRIGHT	
•	FRITZELL		•	MUTCH		•	SORUM		•	MR. PRESIDENT	
•	GOODMAN		•	NAADEN		•	STENEHJEM				

So the bill passed and the title was agreed to.

**House Bill No. 1064.** — A Bill for an Act to create and enact chapter 32-09.1 of the North Dakota Century Code, relating to proceeding by garnishment in state courts; and to repeal chapters 32-09 and 33-05 of the North Dakota Century Code, relating to proceeding by garnishment in state courts and proceeding by garnishment in county justice courts.

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 26, nays 18, absent and not voting 6.

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		•	ISLER		•	PARKER		•	TENNEFOS	
•	BERUBE		•	LASHKOWITZ		•	PETERSON		•	THANE	
•	CHRISTENSEN, H. JS		•	LEE		•	QUAIL		•	TIERNEY	
•	CHRISTENSEN, R. JW		•	LEIBHAN		•	REDLIN		•	TWETEN	
•	CUSSONS		•	LIPS		•	REITEN		•	VOSPER	
•	DOTZENROD		•	LOODEN		•	ROEN		•	WALSH	
•	DYKSHOORN		•	MELLAN		•	SHABLOW		•	WENSTROM	
•	ERICKSON		•	MOORE		•	SOLBERG		•	WRIGHT	
•	FRITZELL		•	MUTCH		•	SORUM		•	MR. PRESIDENT	
•	GOODMAN		•	NAADEN		•	STENEHJEM				

So the bill passed and the title was agreed to.

**House Bill No. 1242.** — A Bill for an Act to amend and reenact section 14-09-06.1 of the North Dakota Century Code, relating to the award of child custody.

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 42, absent and not voting 6.

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	•		ISLER	•		PARKER	•		TENNEFOS	•
	BERUBE	•		LASHKOWITZ	•		PETERSON	•		THANE	•

CHRISTENSEN, H. #5	LEE	QUAIL	TIERNEY
CHRISTENSEN, R. #36	LEIBMAN	REDLIN	TWETEN
CUSSONS	LIPS	REITEN	VOSPER
DOTZENROD	LODOEN	ROEN	WALSH
DYKSHOORN	MELLAN	SHABLOW	WENSTROM
ERICKSON	MOORE	SOLBERG	WRIGHT
FRITZELL	MUTCH	SORUM	MR. PRESIDENT
GOODMAN	NAADEN	STENEHJEM	

House Bill No. 1242 was declared lost.

**House Bill No. 1276.** — A Bill for an Act to amend and reenact sections 15-39.1-28 and 52-09-08 of the North Dakota Century Code, relating to mill levy for teachers' retirement, including covered employees of a multidistrict special education board, and levy of tax by political subdivisions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 42, nays 3, 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
• ADAMS			• GROETBERG			• NELSON		
• ALBERS	•		• HANSON			• NETHING		• STREIBEL
• BAKEWELL			• HOLMBERG			• OLIN		• STROMME
• BARTH			• ISLER			• PARKER		• TALLACKSON
• BERUBE			• LASHKOWITZ			• PETERSON	•	• TENNEFOS
CHRISTENSEN, H. #5			• LEE			• QUAIL		• THANE
CHRISTENSEN, R. #36			• LEIBMAN			• REDLIN		• TIERNEY
CUSSONS			• LIPS			• REITEN		• TWETEN
• DOTZENROD			• LODOEN			• ROEN		• VOSPER
• DYKSHOORN			• MELLAN			• SHABLOW	•	• WALSH
• ERICKSON			• MOORE			• SOLBERG		• WENSTROM
• FRITZELL			• MUTCH			• SORUM		• WRIGHT
• GOODMAN			• NAADEN			• STENEHJEM		MR. PRESIDENT

So the bill passed and the title was agreed to.

**House Bill No. 1313.** — A Bill for an Act authorizing the state department of health to provide financial and other assistance to private nonprofit organizations in developing and maintaining shelters and programs for victims of domestic violence; to amend and reenact sections 14-03-21 and 14-03-22 of the North Dakota Century Code, relating to records of marriage and marriage license fees; and to provide an appropriation.

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 41, nays 4, 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
• ADAMS			• GROETBERG			• NELSON		
• ALBERS	•		• HANSON			• NETHING		• STREIBEL
• BAKEWELL			• HOLMBERG			• OLIN		• STROMME
• BARTH			• ISLER			• PARKER		• TALLACKSON
• BERUBE			• LASHKOWITZ			• PETERSON	•	• TENNEFOS
CHRISTENSEN, H. #5			• LEE			• QUAIL		• THANE
CHRISTENSEN, R. #36			• LEIBMAN			• REDLIN		• TIERNEY
CUSSONS			• LIPS			• REITEN		• TWETEN
• DOTZENROD			• LODOEN			• ROEN		• VOSPER
• DYKSHOORN			• MELLAN			• SHABLOW		• WALSH
• ERICKSON			• MOORE			• SOLBERG		• WENSTROM
• FRITZELL			• MUTCH			• SORUM		• WRIGHT
• GOODMAN			• NAADEN			• STENEHJEM		MR. PRESIDENT

So the bill passed and the title was agreed to.

**POINT OF PERSONAL PRIVILEGE**

Senator Goodman: Mr. President, I rise on a point of personal privilege. Mr. President, had I been in the chamber at the time of the

voting, I would have liked to have voted "green" on House Bill No. 1313.

## MOTION

Senator Shablow moved that House Bill No. 1373 be placed at the foot of the calendar, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2188  
~~Senate Bill No. 2226~~  
 Senate Bill No. 2263  
~~Senate Bill No. 2329~~  
 Senate Bill No. 2368  
 Senate Bill No. 2400  
 Senate Bill No. 2409

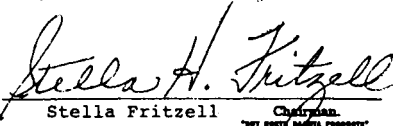
\_\_\_\_\_ were delivered to the } Governor  
 on March 13, 1981 } for his approval

  
 Stella Fritzell Chairman.  
"WE MEET TOGETHER PROGRESS"

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4011  
~~Senate Concurrent Resolution No. 4038~~  
 Senate Concurrent Resolution No. 4039  
~~Senate Concurrent Resolution No. 4044~~  
 Senate Concurrent Resolution No. 4048  
 Senate Concurrent Resolution No. 4058

\_\_\_\_\_ were delivered to the } Secretary of State for his filing  
 on March 13, 1981 }  
 (date)

  
 Stella Fritzell Chairman.  
"WE MEET TOGETHER PROGRESS"

## MOTIONS

Senator Holmberg moved that House Bills Nos. 1429 and 1440 be laid over one legislative day, which motion prevailed.

Senator Erickson moved that House Bill No. 1435 be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

**House Bill No. 1447.** — A Bill for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to a township mill levy for the purchase and operation of mowing or snow removal equipment.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 39, nays 6, absent and not voting 5.

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. FW			● LEIBHAN			● REDLIN		●	● TWETEN		
● CUSSONS			● LIPS			● REITEN		●	● VOSPER		
● DOTZENROD			● LODOEN		●	● ROEN	●		● WALSH		
● DYKSHOORN			● MELLAN	●		● SHARLOW		●	● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEJEM					

So the bill passed and the title was agreed to.

**House Bill No. 1458.** — A Bill for an Act to amend and reenact sections 40-14-01 and 40-15-01 of the North Dakota Century Code, relating to the election of municipal judges.

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.

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. FW			● LEIBHAN			● REDLIN		●	● TWETEN		
● CUSSONS			● LIPS			● REITEN		●	● VOSPER		
● DOTZENROD			● LODOEN		●	● ROEN	●		● WALSH		
● DYKSHOORN			● MELLAN	●		● SHARLOW		●	● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEJEM					

So the bill passed and the title was agreed to.

**MOTION**

Senator Shallow moved that House Bill No. 1463 be laid over one legislative day, which motion prevailed.

**House Bill No. 1574.** — A Bill for an Act to amend and reenact paragraph 4 of subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for adoption expenses.

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 39, absent and not voting 5.

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. FW			● LEIBHAN			● REDLIN		●	● TWETEN		●
● CUSSONS			● LIPS			● REITEN		●	● VOSPER		●
● DOTZENROD			● LODOEN			● ROEN	●		● WALSH		●
● DYKSHOORN			● MELLAN	●		● SHARLOW		●	● WENSTROM		●
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		●
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		●
● GOODMAN			● NAADEN			● STENEJEM		●			

House Bill No. 1574 was declared lost.

**House Bill No. 1630.** — A Bill for an Act to permit the shooting of certain blackbirds and grackles which are committing depredation on agricultural crops.

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 46, 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		●	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		●	LEIBMAN		●	REDLIN		●	TWETEN		●
CUSSONS		●	LIPS		●	REITEN		●	VOSPER		●
DOTZENROD		●	LODDEN		●	ROEN		●	WALSH		●
DYKSHOORN		●	MELLAN		●	SHALOW		●	WENSTROM		●
ERICKSON		●	MOORE		●	SOLBERG		●	WRIGHT		●
FRITZELL		●	MUTCH		●	SORUM		●	MR. PRESIDENT		●
GOODMAN		●	NAADEN		●	STENEHJEM		●			

House Bill No. 1630 was declared lost.

**House Bill No. 1634.** — A Bill for an Act to amend and reenact subsection 5 of section 49-22-08 and subsection 1 of section 49-22-13 of the North Dakota Century Code, relating to public service commission designation of a site or corridor for an energy conversion or transmission facility and to public hearings on site, route, or corridor proposals.

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			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			LEIBMAN			REDLIN			TWETEN		
CUSSONS			LIPS			REITEN			VOSPER		
DOTZENROD			LODDEN			ROEN			WALSH		
DYKSHOORN			MELLAN			SHALOW			WENSTROM		
ERICKSON			MOORE			SOLBERG			WRIGHT		
FRITZELL			MUTCH			SORUM			MR. PRESIDENT		
GOODMAN			NAADEN			STENEHJEM					

So the bill passed and the title was agreed to.

**AMENDMENT TO RULE 507**

Senator Nething moved that the Senate amend the portion of Senate Rule 507 designating the day that bills must be reported out of committee, the forty-eighth legislative day, to the fifty-first legislative day, which motion prevailed.

**Report of Standing Committee**

Mr. PRESIDENT : Your Committee on AGRICULTURE  
to whom was referred. Senate Bill No. 2438

Has had the same under consideration and recommends that the same

do pass       do not pass       be placed on calendar without recommendation

be amended as follows:

*Sen Izler* Chairman  
 Senator Izler

Senate Bill No. 2438 was placed on the Fourteenth

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

Mr. President: Your Committee on Appropriations  
 to whom was referred House Bill No. 1005

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 12, delete the numerals "30,350,000" and insert in lieu thereof the numerals "29,377,000"

On page 1, line 13, delete the numerals "30,350,000" and insert in lieu thereof the numerals "29,377,000"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation for Personal Property Tax Replacement by \$973,000 to provide for seven percent annual increases.

And when so amended recommends the same do pass

*Sen Lips* Chairman  
 Senator Lips

House Bill No. 1005 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 House Bill No. 1010

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 of the engrossed bill, line 15, delete the numerals "1,286,163" and insert in lieu thereof the numerals "1,246,351"

On page 1 of the engrossed bill, line 16, delete the numerals "322,526" and insert in lieu thereof the numerals "321,452"

On page 1 of the engrossed bill, line 19, delete the numerals "1,782,652" and insert in lieu thereof the numerals "1,741,766"

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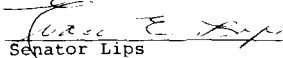
On page 2 of the engrossed bill, delete lines 6 through 15  
And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

And when so amended recommends the same do pass.

 Chairman  
Senator Lips

House Bill No. 1010 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 House Bill No. 1027

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

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

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

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

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

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

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The State Historical Board salaries and wages line item is reduced \$66,960, of which \$62,273 is from the general fund and \$4,687 is estimated income, to delete funds for the noncontributory retirement plan. The operating expenses line item is reduced \$33,706 from



the House version in accordance with legislative guidelines of nine percent per year. The \$20,000 line item for a sprinkler system at Little Theatre at Fort Totten is combined with the capital improvements line item. The total of the capital improvements and Fort Totten sprinkler system line items is reduced \$254,550 from the House version. Expenditures from the capital improvements line item are to be made at the discretion of the Historical Board.

And when so amended recommends the same do pass.

*Stan E. Lips* Chairman  
 Senator Lips

House Bill No. 1027 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 House Bill No. 1029

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

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

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

And when so amended recommends the same do pass.

*Stan E. Lips* Chairman  
 Senator Lips

House Bill No. 1029 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 House Bill No. 1031

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

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

On page 1 of the engrossed bill, line 20, delete the numerals

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"1,383,500" and insert in lieu thereof the numerals "1,377,929"

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

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

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

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

And when so amended recommends the same do pass.

*Walter E. Lips*  
 \_\_\_\_\_  
 Senator Lips Chairman

House Bill No. 1031 was placed on the 6th

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

Mr. PRESIDENT: Your Committee on STATE AND FEDERAL GOVERNMENT  
 to whom was referred HOUSE Bill No. 1047

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 6, after the word "system" and before the period insert the following, "; stating legislative intent; and providing an effective date"

On page 4, line 10, after the word, "calculated" insert the words, "at sixty percent of the member's final average salary, reduced by the member's primary benefits under the social security act as amended, and by any workmen's compensation benefits paid."

On page 4, line 10, after the word, "calculated" overstrike the words, "as for normal retirement benefits"

On page 4, overstrike lines 11 and 12

On page 4, after line 12, insert the following sections:

"SECTION 5. LEGISLATIVE INTENT. It is the intent of the forty-seventh legislative assembly that the governor's employee compensation budget recommendations to the forty-eighth legislative assembly include sufficient moneys to fund a non-contributory retirement plan for state employees for the biennium beginning July 1, 1983, and ending June 30, 1985."

"SECTION 6. EFFECTIVE DATE. Sections 1 through 4 of this Act shall become effective on July 1, 1983."

And renumber the lines, sections and pages accordingly

And when so amended recommends the same DO NOT PASS

Lodoen Chairman  
Senator Lodoen

HOUSE Bill No. 1047 was placed on the Sixth

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

Mr. PRESIDENT: Your Committee on JUDICIARY

to whom was referred HOUSE Bill No. 1061

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 of the engrossed bill, line 13, after the numerals and comma "25-03.1-03," insert the numerals and comma "25-03.1-29,"

On page 1 of the engrossed bill, line 14, after the word "sections" insert the numerals and comma "27-06-08,"

On page 2 of the engrossed bill, line 2, delete the word "section" and insert in lieu thereof the following: "sections 27-20-05.1 and"

On page 2 of the engrossed bill, line 2, after the word "to" insert the words "county juvenile supervisors and"

On page 29 of the engrossed bill, after line 20, insert the following new section:

"SECTION 47. AMENDMENT. Section 25-03.1-29 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-03.1-29. APPEAL. The respondent shall have the right to an expedited appeal from an order of involuntary commitment or alternative treatment, a continuing treatment order, an order denying a petition for discharge, or an order of transfer. Upon entry of an appealable order, the court shall notify the respondent of the right of appeal and the right to counsel. The notice of appeal must be filed within thirty days after the order has been entered. Such appeal shall be to the ~~district~~ supreme court and the hearing shall be commenced

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within fourteen days of filing of the notice of appeal. The hearing shall be limited to a review of the procedures, findings, and conclusions of the lower court.

Pending appeal, the order appealed from shall remain in effect, unless the ~~district~~ supreme court determines otherwise. The respondent shall not be denied the opportunity to be present at the appeal hearing, and the court conducting the appeal may issue such interim order as will assure this opportunity to the respondent while protecting the interest sought to be served by the order appealed from."

On page 32 of the engrossed bill, after line 5, insert the following new section:

"SECTION 52. AMENDMENT. Section 27-06-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-06-08. FEES FOR TRANSCRIPTS. For the preparation of a transcript, a court reporter shall be entitled to receive compensation at the rate of one dollar ten cents per page for the original, thirty-five cents per page for the first copy, and fifteen cents per page for each additional copy. A page shall consist of not less than twenty-five lines written on paper at least eight and one-half inches by eleven inches [21.59 centimeters by 27.94 centimeters] in size, prepared for binding on the left side, with margins of not more than one and three-fourths inch [44.45 millimeters] on the left nor three-eighths inch [9.53 millimeters] on the right. Type shall be standard pica with ten letters to the inch [2.54 centimeters]. Questions and answers shall each begin a new line. Indentations for speakers or paragraphs shall not be more than ten spaces from the left margin. Pages shall be numbered consecutively. Transcripts shall be indexed as to witnesses and exhibits. The reporter's compensation shall be paid by the party requesting the transcript or by the ~~county chargeable with the costs of the action~~ state, when the transcript is ordered prepared by the judge ~~at such county's expense~~ pursuant to section 27-06-06."

On page 63 of the engrossed bill, line 33, after the word "Section" insert the following: "27-20-05.1 of the 1979 Supplement to the North Dakota Century Code and section"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

 Chairman  
Senator H. Christensen

HOUSE Bill No. 1061 was placed on the Sixth

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

Mr. President : Your Committee on Judiciary  
to whom was referred House Bill No. 1068

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 Christenson Chairman

House Bill No. 1068 was placed on the 14th

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

Mr. PRESIDENT Your Committee on JUDICIARY  
to whom was referred HOUSE Bill No. 1277

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 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo, raffles, pull tabs, jars, punchboards, sports pools and twenty-one; and to provide for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games, bookkeeping requirements, expense requirements, a tax based on adjusted gross proceeds, examination of books and records, licensure of distributors, form and display of licensure, and rules; to provide a penalty; and to provide an expiration date.

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

SECTION 1. DEFINITIONS.

1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandise prizes.
2. "Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of incorporation, charter, rules, or other written statement.
3. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years.
4. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, which shall have existed in this state for two years. "Civic and service club" also means a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the

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organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.

5. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment, or any other implements of gambling usable in the lawful conduct of games of chance under this Act, to an organization licensed or authorized to conduct such games of chance under this Act. "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization.
6. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are:
  - a. Uses benefiting those organizations which are exempt from federal taxation under section 501(c) (3) of the Internal Revenue Code.
  - b. Uses benefiting an organization registered with the North Dakota secretary of state under chapter 50-22.
  - c. Uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them of disease, suffering, or constraint.
  - d. Fraternal uses specified by an organization's constitution, charter, or bylaws not of direct benefit to the eligible organization or any member thereof.
  - e. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, not of direct benefit to the eligible organization or any member thereof.
  - f. The erection or maintenance of public buildings or works.
  - g. Uses otherwise lessening the burden of government.
  - h. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the losses uncompensated by insurance.
  - i. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the stated uses. Uses shall not include any

activities consisting of attempts to influence legislation or participation in any political campaign on behalf of any active official or person who is or has been a candidate for public office.

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

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Such organizations shall have been in existence in this state for two years.

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

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

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

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

3. Games of chance shall be operated or conducted only on premises or sites set forth in the application as follows:



- a. Class A license applicants shall be limited to one location. A special permit for an alternate location may be granted by the attorney general for a single specific occasion upon written request.
  - b. Class B license applicants shall first secure approval of the proposed site or sites on which it intends to conduct games of chance under this Act from the governing body of the city, if within city limits, or the county, if outside city limits, where the site or sites are located. This approval or permit, which may be granted at the discretion of the governing body, must accompany the license application to the attorney general. The governing body may charge a ten dollar fee for this permit.
  - c. Rented premises shall be subject to rules adopted by the attorney general.
  - d. Only one eligible organization at a time may conduct games of chance at a specific location.
  - e. Licenses, rules of play and state identification devices shall be displayed on forms and in the manner specified in rules adopted by the attorney general.
4. The attorney general shall have the power, on his or her motion, based on reasonable ground or upon written complaint, to suspend or revoke, under the provisions of chapter 28-32, any license granted under this Act for violations by the licensee, or any officer, director, agent, member, or employee of the licensee, of this Act or any rule or regulation adopted under this Act.

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

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

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

1. No person, except a member of an eligible organization, may hold, operate, or conduct any game of chance under this Act.
2. No item of expense incurred in connection with the holding, operating, or conducting of any game of chance held, operated, or conducted pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses in reasonable amounts as provided under section 11. No games of chance shall be conducted with any equipment other than equipment owned by or rented at a reasonable rate from an eligible organization.
3. The governing board of an eligible organization shall be primarily responsible for the proper determination and distribution of the entire net proceeds of any game of chance held in accordance with this Act.
4. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by the licensing authority, its agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.
5. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.
6. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.
7. The entire net proceeds derived from the holding of games of chance must be devoted within three months from the date such proceeds were earned to the uses permitted by this Act. Any organization desiring to hold the net proceeds of games of chance for a period longer than three months from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.
8. Only the members of an organization licensed as a class A licensee by the attorney general under this Act and their spouses and bona fide guests may participate in playing games of chance conducted by such licensed organization.
9. No person, firm, corporation, association, or organization convicted of a felony or a class A misdemeanor, or determined by the attorney general to have participated in organized crime or unlawful gambling, shall be permitted to sell, distribute, conduct, or assist in games of chance under this Act.

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

1. Eligible organizations licensed by the attorney

general shall be permitted to conduct bingo, raffles, pull tabs, jars, punchboards, twenty-one, and sports pools for professional sports only.

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

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

SECTION 9. SPORTS POOLS - CONTROL BY LICENSEE - RULES POSTED. Any licensee or other eligible organization may allow the playing of sports pools on the premises or authorized site. Sports pools shall be allowed for professional sports only. If sports pools are allowed, they shall be conducted and controlled by the licensee or other eligible organization. Any rules affecting the conduct of sports pools or requirements of participants shall be clearly posted. The maximum wager on any sports pool shall not exceed five dollars. The amounts paid to sports pool participants in prizes shall not exceed two-thirds of the gross proceeds.

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

SECTION 11. STATEMENT OF RECEIPTS - EXPENSES.

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of less than one hundred dollars paid immediately, shall be deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered

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checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.

2. No part of the net proceeds after they have been given over to another organization shall be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.
3. No item of expense incurred in connection with holding, operating, or conducting any game of chance pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance. Bona fide expenses shall not include overhead, capital costs, and general maintenance. Total expenses for games of chance shall not exceed thirty-five percent of the total adjusted gross proceeds from each such occasion. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act without any reduction for taxes.
4. Expense payments for games of chance deductible from adjusted gross proceeds shall be made only for the following purposes:
  - a. The purchase of necessary goods, wares, and merchandise.
  - b. The securing of services reasonably necessary for repair of equipment, and for operating or conducting games of chance.
  - c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
  - d. For accountant's fees.
  - e. For license fees.

## SECTION 12. TAX BASED ON ADJUSTED GROSS PROCEEDS.

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

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

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

general may require.

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

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

No licensed or authorized eligible organization shall be a distributor. No distributor may be a wholesaler of liquor or alcoholic beverages.

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

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

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

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

SECTION 17. RULES. The licensing authority shall adopt rules in accordance with chapter 28-32, relating to but not limited to methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle

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tickets, bingo equipment, jars, pull tabs, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purposes of this Act; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act; to define capital improvements and furnishings; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; and to seek to prevent or detect unlawful gambling activity.

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

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

  
Chairman  
SENATOR CHRISTENSEN

HOUSE Bill No. 1277 was placed on the Sixth

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

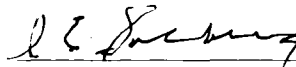
Mr. PRESIDENT: Your Committee on TRANSPORTATION

to whom was referred HOUSE Bill No. 1292

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 SOLBERG

HOUSE Bill No. 1292 was placed on the 14th

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

Mr. PRESIDENT: Your Committee on TRANSPORTATION

to whom was referred HOUSE Bill No. 1293

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 SOLBERG

HOUSE Bill No. 1293 was placed on the 14th

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

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

to whom was referred House Bill No. 1332

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 Peterson Chairman

House Bill No. 1332 was placed on the 14th

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

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

to whom was referred House Bill No. 1371

Has had the same under consideration and recommends that the same

do pass       do not pass       be placed on calendar without recommendation

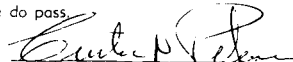
be amended as follows:

On page 1, of the engrossed bill, line 16, following the hyphen, delete the word "eight", and insert in lieu thereof the word "six", and on the same line after the word "thousand", delete the word "three", and insert in lieu thereof the word "seven"

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

And renumber the lines accordingly

And when so amended recommends the same do pass

  
Senator Peterson Chairman

House Bill No. 1371 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 House Bill No. 1384

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 Peterson Chairman

House Bill No. 1384 was placed on the 14th

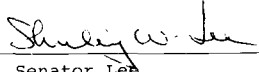
order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources

to whom was referred House Bill No. 1395

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

House Bill No. 1395 was placed on the fourteenth

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

Mr. PRESIDENT: Your Committee on STATE AND FEDERAL GOVERNMENT to whom was referred HOUSE Bill No. 1399

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

And renumber the lines accordingly

And when so amended recommends the same do pass.

 Chairman  
Senator Lodoen

HOUSE Bill No. 1399 was placed on the Sixth

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

Mr. President: Your Committee on Judiciary



to whom was referred House Bill No. 1450

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

House Bill No. 1450 was placed on the 14th

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

President \_\_\_\_\_ Your Committee on Natural Resources

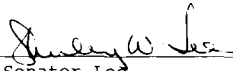
to whom was referred House Bill No. 1520

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 re-referred to the Committee on Appropriations

  
\_\_\_\_\_  
Senator Lee Chairman

House Bill No. 1520 was referred to the COMMITTEE on Appropriations

Mr. President Your Committee on Natural Resources

to whom was referred House Bill No. 1536

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE

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## STATE OF NORTH DAKOTA:

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

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

## 1. To require:

- a. Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas.
- b. The making and filing with the industrial commission and the state geologist of all Resistivity, radioactivity, and mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling, and production, and the filing free of charge of samples and core chips and of complete cores when requested in the office of the state geologist within six months after the completion or abandonment of the well.
- c. The drilling, casing, operation, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into oil or gas stratum, the pollution of fresh water supplies by oil, gas, or salt water, and to prevent blowouts, cavings, seepages, and fires.
- d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the industrial commission of the state of North Dakota prescribed to govern the production of oil and gas on state and private lands within the state of North Dakota.
- e. That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the commission.
- f. The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios.
- g. Certificates of clearance in connection with the transportation or delivery of oil, gas, or any product.
- h. Metering or other measuring of oil, gas, or

product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other places.

- i. That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof, which records shall be available for examination by the commission or its agents at all reasonable times, and that every such person file with the commission such reports as it may prescribe with respect to such oil or gas or the products thereof.
2. To regulate:
    - a. The drilling, producing, and plugging of wells, and all other operations for the production of oil or gas.
    - b. The shooting and chemical treatment of wells.
    - c. The spacing of wells.
    - d. Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations.
    - e. Disposal of salt water and oil field wastes.
  3. To limit and to allocate the production of oil and gas from any field, pool, or area and to establish and define as separate marketing districts those contiguous areas within the state which supply oil and gas to different markets, and to limit and allocate the production of oil and gas for each separate marketing district.
  4. To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.
  5. To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter.

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

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

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

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

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

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

INDUSTRIAL COMMISSION - PERSONNEL - EQUIPMENT TRANSFER. The industrial commission is authorized to appoint a chief enforcement officer and to set his salary within the limits of legislative appropriations. The industrial commission may designate the state geologist as the chief enforcement officer. With the approval of the industrial commission, the state geologist may appoint an assistant to have primary responsibility for rule enforcement. The industrial commission may,

consistent with the provisions of this Act and within the limits of legislative appropriations, make arrangements with the board of higher education for the transfer of equipment, personnel, and material between the commission and the state geologist as necessary to carry out the provisions of this chapter.

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

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

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

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

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

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

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greater duration than the period of sufficient water supply.

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

And renumber the lines and pages accordingly

And when so amended recommends the same do pass. and be re-referred to the Committee on Appropriations.

Senator Lee Chairman

House Bill No. 1536 was placed on the sixth

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

Mr. PRESIDENT: Your Committee on TRANSPORTATION

to whom was referred HOUSE Bill No. 1571

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:

Senator Solberg Chairman

HOUSE Bill No. 1571 was placed on the 14th

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

Mr. President: Your Committee on Judiciary

to whom was referred HOUSE Bill No. 1572

Has had the same under consideration and recommends that the same

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

[ ] be amended as follows:

Senator H. Christensen Chairman

HOUSE Bill No. 1572 was placed on the fourteenth

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

Mr. President: Your Committee on Education

to whom was referred HOUSE Bill No. 1608

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 2 of the engrossed bill, line 17, delete the word "a" and insert in lieu thereof the words "an unaccredited"

On page 3 of the engrossed bill, line 7, delete the words "may be required to"

On page 3 of the engrossed bill, line 8, delete the word "demonstrate" and insert in lieu thereof the word "demonstrates"

On page 3 of the engrossed bill, line 13, delete the word "may" and insert in lieu thereof the words "is to"

On page 3 of the engrossed bill, line 16, delete the words "from a list provided"

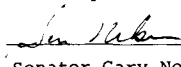
On page 3 of the engrossed bill, line 17, after the word "instruction" insert the words "and administered by the county superintendent of schools"

On page 4 of the engrossed bill, after line 6, insert the following new subsection:

"5. That the child is in attendance at a nonpublic school which meets accreditation standards adopted by the superintendent of public instruction."

And renumber the line, pages accordingly

And when so amended recommends the same do not pass



Chairman

Senator Gary Nelson

House Bill No. 1608 was placed on the Sixth

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

Mr. President: Your Committee on Appropriations

to whom was referred House Bill No. 1635

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

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

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

SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the displaced homemaker account in the


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state treasury, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to job service North Dakota for the purpose of providing services for displaced homemakers under this Act for the biennium beginning July 1, 1981, and ending June 30, 1983.

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

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

  
 Senator Lips Chairman

House Bill No. 1635 was placed on the 6th

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

Mr. President Your Committee on Finance and Taxation  
 to whom was referred House Bill No. 1651

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

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

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

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

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

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

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

1. "Oil" shall mean means petroleum, crude oil, mineral oil, casinghead gasoline, and



all liquid hydrocarbons that are recovered from gas ~~by means of a separator, or by other nonmechanical methods,~~ on the lease incidental to the production of the gas.

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

SECTION 3. A new section to initiated measure No. 6 as approved at the general election held on November 4, 1980, is hereby created and enacted to read as follows:

AUTHORITY OF TAX COMMISSIONER TO ACCEPT PRODUCTION REPORTS COMPUTED ON A PROPERTY BASIS. For good cause shown, upon application to the tax commissioner, any person required to file a producer's or purchaser's report may be allowed to compute the average daily production of a well on the basis of the average daily production of the property on which the well is located. However, no well with an average daily production of more than

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one hundred barrels a day may be included in a property for purposes of determining that property's average daily production; all such wells must be reported on an individual basis.

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

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

And when so amended recommends the same do pass.

*Chuck Goodman* Chairman  
Senator Chuck Goodman

House Bill No. 1651 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 House Concurrent Resolution 3001

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 Peterson* Chairman  
Senator Peterson

House Concurrent Resolution 3001 was placed on the 14th

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

Mr. President: Your Committee on Natural Resources  
to whom was referred House Concurrent Resolution 3034

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:

*Shirley W. Lee* Chairman  
Senator Lee

House Concurrent Resolution 3034 was placed on the fourteenth

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

Mr. President: Your Committee on Natural Resources  
to whom was referred House Concurrent Resolution 3036

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:

*Shirley W. Lee* Chairman  
Senator Lee

FRIDAY, MARCH 13, 1981

1385

House Concurrent Resolution 3036 was placed on the fourteenth

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

Mr. President: Your Committee on Education  
to whom was referred House Concurrent Resolution No. 3046

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 line 3

On page 1, line 4, delete the words "institutions of higher education in the state and"

On page 2, line 8, remove the comma and delete the words "including the feasibility and"

On page 2, delete the lines 9 through 11

On page 2, line 12, delete the words "curriculum in addition to two-year programs"

And when so amended recommends the same do pass

Chairman

House Concurrent Resolution No. 3046 was placed on the Sixth

Senator Gary Nelson

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

Mr. PRESIDENT: Your Committee on TRANSPORTATION  
to whom was referred HOUSE CONCURRENT RESOLUTION NO. 3048

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

HOUSE CONCURRENT RESOLUTION NO. 3048 was placed on the 14th

SENATOR SOLBERG

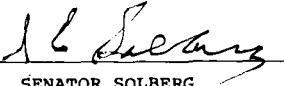
order of business on the calendar for the succeeding legislative day.

Mr. PRESIDENT: Your Committee on TRANSPORTATION  
to whom was referred HOUSE CONCURRENT RESOLUTION NO. 3062

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 SOLBERG


HOUSE CONCURRENT RESOLUTION NO. 3062 was placed on the 14th

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

Mr. PRESIDENT: Your Committee on TRANSPORTATION  
to whom was referred HOUSE CONCURRENT RESOLUTION NO. 3063

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 SOLBERG

HOUSE CONCURRENT RESOLUTION 3063 was placed on the 14th

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

**MESSAGE FROM THE HOUSE**  
House Chamber

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

Senate Bill No. 2135  
Senate Bill No. 2161  
Senate Bill No. 2187  
Senate Bill No. 2228  
Senate Bill No. 2230  
Senate Bill No. 2262  
Senate Bill No. 2301  
Senate Bill No. 2306  
Senate Bill No. 2313  
Senate Bill No. 2322  
Senate Bill No. 2370  
Senate Bill No. 2389  
Senate Bill No. 2424  
Senate Bill No. 2428  
Senate Bill No. 2431  
Senate Bill No. 2432  
Senate Concurrent Resolution No. 4067

**ROY GILBREATH, Chief Clerk**

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

On page 1, line 4 of the engrossed bill, delete "three" and  
insert "two and one-half" and on the same line delete  
", and providing for voter approval"

On page 1, line 5 of the engrossed bill, delete "of the mill  
levy"

On page 2, line 1 of the engrossed bill, delete "three" and  
insert "two and one-half" and on the same line delete  
"The levy" and after the word "valuation" insert the  
following: ", subject to public hearing in each county  
comprising the district at least fifteen days prior to

action taken by the joint boards of county commissioners.  
Action taken by the joint boards of county commissioners  
shall be based on the record including comments  
received at the public hearing"

On page 2 of the engrossed bill, delete lines 2 through 4

On page 2, line 5 of the engrossed bill, delete "regular or special election."

HOUSE AMENDMENTS TO SENATE BILL 2161

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

"for an Act to prohibit campaign contributions by corporations, cooperative corporations, and associations; to repeal sections 16-20-05, 16-20-08, 16-20-09, 16-20-10, and 16-20-12 of the North Dakota Century Code, relating to campaign contributions by corporations and cooperative corporations; and to provide a penalty.

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

SECTION 1. DEFINITIONS. As used in this Act, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including, but not limited to, labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. Association shall not include corporations, cooperative corporations, political committees, or political parties.
2. "Candidate" means a person whose name is presented for nomination to public office at any primary election or convention, whether the person is

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actually nominated or not; a person whose name is printed as a candidate on an official ballot used at any election; or a person who seeks election through write-in votes.

3. "Contribution" means a gift of money or property, subscription, loan, advance, or deposit of money, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from another political committee or other source.
4. "Cooperative corporations" and "corporations" are as defined in the North Dakota Century Code.
5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. Expenditure also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership, or maintains similar financial rights in a cooperative corporation.
7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, or other organization or group of persons.

8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes.
9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions or legislative districts and whose name appears on the election ballot as the candidate of such association, committee, or organization.
10. "Political purpose" or "political purposes" means any activity undertaken in support of or in opposition to the election or nomination of a candidate whether the activity is undertaken by a candidate, a political committee, a political party, or any person.

SECTION 2. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS,  
COOPERATIVE CORPORATIONS, AND ASSOCIATIONS PROHIBITED -  
VIOLATION - PENALTY.

1. No corporation, cooperative corporation, or association shall make a direct contribution:
  - a. To aid any political party, political committee, or organization.
  - b. To aid any corporation or association organized or maintained for political purposes.
  - c. To aid any candidate for political office or for nomination to such office.
  - d. For any political purpose or the reimbursement or indemnification of any person for money or property so used.
  - e. For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.
2. Nothing in this section shall be construed to prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes

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by a corporation, cooperative corporation, or association. It shall be unlawful for:

- a. The person or persons controlling such a fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilizing money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilizing money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.
  - b. Any person soliciting an employee, stockholder, patron, or member for a contribution to such a fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation, or of the general political philosophy intended to be advanced through committee activities.
  - c. Any person soliciting an employee or member for a contribution to such a fund to fail to inform the employee or member, at the time of the solicitation, of his right to refuse to contribute without any reprisal.
  - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed, and of amounts expended for political purposes.
  - e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, or association maintaining the political committee.
3. All political committees formed for the purpose of administering the segregated fund provided for herein



shall file a statement listing all contributions received of twenty-five dollars or more, showing the name and mailing address of each contributor of twenty-five dollars or more, and a listing of all disbursements made for political purposes, no later than October fifteenth of each calendar year with the office of the secretary of state.

- a. The form of all statements required by this Act shall be as prescribed by the secretary of state.
  - b. The secretary of state may arrange an audit of any statement filed pursuant to this Act. The secretary of state shall arrange an audit of any statement that the attorney general requests to be audited. The results of the audit shall be reported to the attorney general.
  - c. Records and statements shall be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and shall be open to public inspection.
4. No person shall make a payment of his own money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies such money, and no person knowingly shall receive such payment nor enter nor cause the same to be entered in his account or record in any name other than that of the person by whom it actually was furnished.
5. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, or association funds or otherwise violates the provisions of this section, it shall be prima facie evidence of a violation by the corporation, cooperative corporation, or association.
6. A violation of the provisions of this section may be prosecuted in the county where the contribution is

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made, or in any county in which it has been paid or distributed.

7. It shall be a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation, cooperative corporation, or association to violate any of the provisions of this section, or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of the provisions of this section shall be guilty of a class A misdemeanor.
8. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section shall be liable to the company, corporation, or association for the amount so contributed.

SECTION 3. PERSON NOT EXCUSED FROM TESTIFYING AS TO VIOLATION - PROSECUTION OR PENALTY WAIVED UPON TESTIFYING. No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court upon any investigation, proceeding, or trial for a violation of any of the provisions of this Act, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him. No person shall be prosecuted nor subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him in any criminal investigation or proceeding.

SECTION 4. EXPENDITURES FOR OTHER PURPOSES. Nothing in this Act shall be construed to prohibit the exercise by corporations, cooperative corporations, and associations of the right to make expenditures and contributions for the purpose of promoting passage or defeat of initiated or referred measures, or for promoting any general political philosophy or belief deemed in the best interest of the employees, stockholders,

patrons, or members of the corporation, cooperative corporation, or association other than a "political purpose" as defined by this Act.

SECTION 5. REPEAL. Section 16-20-08 of the 1979 Special Supplement to the North Dakota Century Code, 16-20-09 of the 1977 Pocket Supplement to the North Dakota Century Code, and sections 16-20-05, 16-20-10, and 16-20-12 of the North Dakota Century Code are hereby repealed."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2187

On page 1, line 1, after the word "reenact" insert the following:  
"section 57-36-10 and"

On page 1, after line 2, insert the following: "discounts for purchases of tobacco stamps and"

On page 1, after line 8, insert the following new section:

"SECTION 1. AMENDMENT. Section 57-36-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-10. STAMPS MAY BE PURCHASED AT DISCOUNT. Any licensed distributor located within or without this state may purchase stamps at a discount of ~~three~~ five percent of the face value thereof, and the tax commissioner may allow such discount in the settlement of the account of such wholesale distributor upon the payment to him of any moneys which may be or become due to the state by reason of the sale, delivery, or consignment to such distributor of such stamps."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2228

On page 1, line 15 of the engrossed bill, delete "~~twenty-five~~" and insert in lieu thereof "thirty"

On page 1, line 21 of the engrossed bill, delete "~~twenty-five~~" and insert in lieu thereof "thirty"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2230

On page 2, line 10 of the engrossed bill, overstrike "Forty-five" and insert in lieu thereof "Sixty"

On page 2, line 13 of the engrossed bill, overstrike "that"

On page 2 of the engrossed bill, overstrike lines 14 through 20

On page 2, line 21 of the engrossed bill, overstrike "under the provisions of that chapter" and after "chapter" insert the following: "and the legislative assembly that the allocation"

made by this subsection shall not exceed seventy percent of the educational cost per pupil in public elementary and secondary education as determined under the provisions of chapter 15-40.1. Should the allocation exceed seventy percent, the balance of the allocation above seventy percent shall be deposited in the general fund. Should the allocation not exceed seventy percent, it is the intent of the electors and the legislative assembly that other appropriations made by the legislative assembly for state aid to schools in accordance with chapter 15-40.1, when added to the amount allocated under this subsection, shall provide at least seventy percent of the funds required to meet the educational cost per pupil in public elementary and secondary education as determined under the provisions of chapter 15-40.1"

On page 3, line 18 of the engrossed bill, overstrike "Forty-five" and insert in lieu thereof "Thirty"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2262

On page 1, line 4, after the word "subdivisions" insert a semicolon and the words "; and to declare an emergency"

On page 1, after line 17, insert the following new section:

"SECTION 2. 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 pages, lines, and sections accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2301

On page 1, line 9 of the engrossed bill, delete the word "applicant" and insert in lieu thereof the word "individual"

On page 1, line 11 of the engrossed bill, delete the word "applicant" and insert in lieu thereof the word "individual"

On page 1, line 19 of the engrossed bill, following the period, delete the words "For the purpose of"

On page 1 of the engrossed bill delete lines 20 and 21

On page 1, line 19 of the engrossed bill, following the period insert the following sentence: "For the purposes of this section, an individual means any person, including his or her spouse, and dependents thereof within the meaning of the Internal Revenue Code (26 U.S.C. 152)."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2306

On page 2, line 4, of the engrossed bill, delete the word "three" and insert in lieu thereof the word "five"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2313

On page 1, line 2, after the second comma, insert the words and numerals "subsections 4, 6, 7, 8, and 9 of section", and on the same line after the third comma, insert the word "sections"

On page 4, line 14, delete the word "Section" and insert in lieu

thereof "Subsections 4, 6, 7, 8, and 9 of section"

On page 4, line 15, delete the word "is" and insert in lieu thereof "are"

On page 4, delete lines 17 through 35

On page 5, delete lines 1 through 11

On page 5, delete lines 20 through 24

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2322

On page 1, line 23, of the engrossed bill, delete the word "the"

On page 1, line 24, of the engrossed bill, delete the words "greater of" and insert in lieu thereof the words "at least"

On page 1, line 25, of the engrossed bill, delete the words "or signatures from a majority of the counties"

On page 1 of the engrossed bill, delete lines 26 through 28

On page 2, line 1, of the engrossed bill, delete the words "federal decennial census"

On page 2, line 3, of the engrossed bill, delete the word "forty-sixth" and insert in lieu thereof "fifty-fifth"

On page 2, line 8, of the engrossed bill, delete the word "forty-sixth" and insert in lieu thereof "fifty-fifth"

On page 3, line 20, of the engrossed bill, delete the word "replied" and insert in lieu thereof "rearranged"

On page 3, line 21, of the engrossed bill, delete the word "repiling" and insert in lieu thereof "rearrangement"

On page 3, line 22, of the engrossed bill, delete the word "politlital" and insert in lieu thereof "political"

On page 3, line 25, of the engrossed bill, delete the word "repiling" and insert in lieu thereof "rearrangement"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2370

On page 1, line 2, of the engrossed bill, after the word "fees" insert a semicolon and the words "; and to declare an emergency"

On page 2, line 1, of the engrossed bill, remove the overstrike over the words "Regardless-of"

On page 2, line 2, of the engrossed bill, remove the overstrike over the words "column-width-or-size-of-type,-all", and on the same line delete the word "All"

On page 2, line 3, of the engrossed bill, remove the overstrike over the words "thirty-nine-cents", and on the same line delete the words "one and"

On page 2, line 4, of the engrossed bill, delete the words "one-half times the straight matter rate"

On page 2, line 5, of the engrossed bill, remove the overstrike over the words "sixteen-cents", and on the same line delete the words "the straight matter rate"

On page 2, line 6, of the engrossed bill, remove the overstrike over the words "~~However, in no~~"

On page 2 of the engrossed bill, remove the overstrike over the words in lines 7 and 8

On page 3, line 1, of the engrossed bill, overstrike the words "purchasing and"

On page 3, after line 16 of the engrossed bill, insert the following new section:

"SECTION 2. 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

HOUSE AMENDMENTS TO SENATE BILL NO. 2389

On page 2, line 4, of the engrossed bill, delete the first comma and insert in lieu thereof the word "or", and on the same line delete the second comma and the words ", or the need"

On page 2, line 5, of the engrossed bill, delete the words "for discipline"

On page 3, line 8, of the engrossed bill, overstrike the words "sentence the person so convicted to a"

On page 3, line 9, of the engrossed bill, overstrike the words "county jail or"

On page 4, line 12, of the engrossed bill, overstrike the word "and"

On page 4, line 15, of the engrossed bill, overstrike the period and insert immediately thereafter the word and semicolon "; and"

On page 4, after line 15 of the engrossed bill, insert the following new subparagraph:

"(e) If the child is fourteen or fifteen years old, the child committed a delinquent act involving the infliction or threat of serious bodily harm."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2424

On page 1, line 11, of the engrossed bill, overstrike the word "MAY" and insert in lieu thereof "SHALL"

On page 1, line 16, of the engrossed bill, overstrike the word "may" and insert in lieu thereof "shall"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2428

On page 1 of the engrossed bill, delete lines 10 through 17 and insert in lieu thereof the following:

"Property to which title is held by a city pursuant to chapter 40-57 which is leased to an entity described in subsection 8 and used by the entity as provided in subsection 8 or subleased to a public school district for educational purposes, provided that the entity is qualified as an exempt organization under section 501

(c) (3) of the United States Internal Revenue Code of 1954 as amended."

On page 1, line 19 of the engrossed bill, delete "1980" and insert "1981"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2431

On page 1, line 25, overstrike the words "acting as principal, deputy, agent,"

On page 1, overstrike the words on line 26

On page 2, line 10, delete the words "without first" and after the word "receptacle", insert the following:

"until a complete inventory of the entire contents of the safe deposit box or receptacle has been prepared by the personal representative of the deceased person or a cotenant of the safe deposit box or receptacle in the presence of an officer or other agent of the lessor of the box. The inventory so prepared shall be filed with the state tax commissioner by the lessor of the box within thirty days from the date of its preparation. After the lessor of the box has complied with the provisions of this section, it shall not limit access to the safe deposit box or similar receptacle by the personal representative of the deceased person or cotenant of the safe deposit box or receptacle or to any other person granted access by county court order, and it shall be released of all liability to the state of North Dakota, and for any assets, documents, or things taken from the safe deposit box or similar receptacle."

On page 2, delete lines 11 through 20

On page 3, line 13, delete the words "The delivery or transferring"

On page 3, delete lines 14 through 18

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2432

On page 1, line 4 of the reengrossed bill, delete the word and comma "default," and after the third comma insert the word "and"

On page 1, line 5 of the reengrossed bill, delete the comma and words ", and tax penalties"

On page 2, line 2 of the reengrossed bill, delete the word "currently"

On page 2, line 3 of the reengrossed bill, delete the word "and" and insert in lieu thereof the word "or"

On page 2, line 8 of the reengrossed bill, delete the word "aquisition" and insert in lieu thereof the word "purchase"

On page 2, line 8 of the reengrossed bill, delete the word "and" and insert in lieu thereof the word "or"

On page 2, after line 9 of the reengrossed bill, insert the following new subsections:

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8. "Farming" means cultivating land for production of agricultural crops and livestock, or the raising or producing of livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or horticultural products, or aquaculture or fish products.

9. "Bonds" means bonds, notes, or other securities including refunding bonds.

10. "Mortgage" means a mortgage, mortgage deed, deed of trust, or other instrument creating a first lien, subject only to title exceptions and encumbrances acceptable to the commission, including any other mortgage liens of equal standing with or subordinate to the mortgage loan retained by a seller or conveyed to a mortgage lender, on a fee interest in agricultural land and agricultural improvements.

11. "Mortgage Loan" means a financial obligation secured by a mortgage."

On page 2, line 16 of the reengrossed bill, delete the word "and" and insert in lieu thereof the word "or"

On page 2, line 24 of the reengrossed bill, after the word "loans", insert the words "or participate in mortgage loans"

On page 4, line 2 of the reengrossed bill, delete the words "During the first five years of the loan,"

On page 4 of the reengrossed bill delete lines 3 and 4

On page 4, line 16 of the reengrossed bill, delete the words "Eligible beginning farmer applicants for down"

On page 4 of the reengrossed bill delete lines 17 through 19

On page 4, line 20 of the reengrossed bill, delete the words "section. In addition,"

On page 4, line 20 of the reengrossed bill, delete the word "the" and insert in lieu thereof the word "The"

On page 4, line 32 of the reengrossed bill, delete the word "lender" and insert in lieu thereof the word "seller"

On page 5, after line 4 of the reengrossed bill, insert the following new subsection:

"3. The industrial commission shall adopt rules pursuant to chapter 28-32 defining a default."

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

On page 6 of the reengrossed bill delete lines 1 through 7

On page 6, line 8 of the reengrossed bill, delete the numeral "7" and insert in lieu thereof the numeral "6"

On page 6, line 8 of the reengrossed bill, delete the words "-TAX PENALTY

On page 6 of the reengrossed bill delete lines 26 through 35

On page 7 of the reengrossed bill delete lines 1 through 22

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

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 406

On page 1, line 25, of the engrossed resolution, after the comma insert the words "including but not"

And renumber the lines, sections, and pages accordingly



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

Senator Nething moved that at the conclusion of the 5th Order of Business and after the reading of Senate Bill No. 2438, House Bills Nos. 1007, 1012, 1014, 1016, 1019, 1021, 1028, 1030, 1060, 1068, 1127, 1197, 1225, 1249, 1277, 1284, 1292, 1293, 1328, 1332, 1384, 1395, 1424, 1429, 1435, 1440, 1450, 1463, 1473, 1502, 1504, 1542, 1571, 1572, 1591, 1619, 1632 and House Concurrent Resolutions Nos. 3001, 3034, 3036, 3048, 3053, 3062 and 3063, the Senate adjourn and convene at 1:00 p.m., Monday, March 16, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary