

FIFTY-FIRST DAY

Bismarck, March 18, 1981

The Senate convened at 9:00 a.m., with President Sands presiding.

The prayer was offered by Rev. Roy Gilbertson, Pastor, American Lutheran Church, Bismarck.

Dear Lord, there are times in our lives that each and every one of us feel inadequate to the task that has been placed before us. Make us more aware of our limitations and more dependent on Your guidance and care. We can't understand why - but we are very grateful that we are placed in this great country and in the rich heritage which is ours as the people in North Dakota. We thank You for great people who have gone before us and created the climate of care and concern for the land You have given us and the strength of character that our parents and grandparents have bequeathed our state. Keep alive in each of us a sense of awe about where we are and who we are. May Your hand of benediction rest over these state senators. Help them to remember that "the fear of the Lord is the beginning of wisdom". Make them wise beyond their abilities, make them peacemakers, lovers of people, believers in the life abundant that Jesus came to give. Let the chapter they are now writing in the history of our state stand the test of time and prove to be a blessing to all. In Jesus name, Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

MOTION

Senator Streibel requested that the Select Committee to investigate the Insurance Department be excused for hearings at this time, which request was granted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS
STATE OF NORTH DAKOTA
EXECUTIVE OFFICE
BISMARCK

The Honorable Ernest M. Sands

March 13, 1981

President

North Dakota State Senate

State Capitol

Bismarck, North Dakota 58505

Dear Mr. President:

Pursuant to Section 15-10-01 of the North Dakota Century Code, I hereby submit to the Senate for confirmation the appointment of Dr. Victor Kaljot, Minot, as a member of the State Board of Higher Education to fill the vacancy resulting from the failure of the Senate to confirm the appointment of Ellis Gene Martin which term will expire June 30, 1987.

It is requested that the Senate give favorable consideration to this appointment at its earliest convenience.

Sincerely,
ALLEN I. OLSON
Governor

STATE OF NORTH DAKOTA
EXECUTIVE OFFICE
BISMARCK

The Honorable Ernest M. Sands
President
North Dakota State Senate
State Capitol
Bismarck, North Dakota 58505
Dear Mr. President:

March 13, 1981

Pursuant to Section 15-10-02 of the North Dakota Century Code, I hereby submit to the Senate for its confirmation the appointment of Roland E. Meidinger, Jamestown, as a member of the State Board of Higher Education to fill the vacancy resulting from the resignation of Senator S. Bryce Streibel whose term expires June 30, 1984.

It is requested that the Senate give favorable consideration to this appointment at its earliest convenience.

Sincerely,
ALLEN I. OLSON
Governor

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Committees

respectfully submit the following committee to consider the nominations for the State Board of Higher Education:

- Nelson, Chairman
- Moore
- Erickson
- Vosper
- Naaden
- Dotzenrod
- Tallackson

Senator Nething
Chairman

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

The President referred the appointments of Dr. Victor Kaljot, Minot and Mr. Roland E. Meidinger, Jamestown to the select committee for the State Board of Higher Education.

MESSAGE TO THE HOUSE
Senate Chamber

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

House Bill No. 1010
 House Bill No. 1027
 House Bill No. 1029
 House Bill No. 1031
 House Bill No. 1371
 House Bill No. 1399
 House Bill No. 1424
 House Bill No. 1473
 House Bill No. 1502
 House Bill No. 1504
 House Bill No. 1516
 House Bill No. 1542
 House Bill No. 1635
 House Concurrent Resolution No. 3053
 Very Respectfully,

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Delayed Bills

has reviewed a concurrent resolution directing the Legislative Council to conduct a study of the means used by public utilities to compensate landowners for powerline and pipeline easements, and has approved its introduction by a unanimous vote.


 Senator Cussons, Chairman

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Naaden introduced:

Senate Concurrent Resolution No. 4089. — A concurrent resolution directing the Legislative Council to conduct a study of the means used by public utilities to compensate landowners for powerline and pipeline easements.

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

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendment to House Bill No. 1430, and now has concurred in the Senate amendment to House Bill No. 1430, and has discharged the conference committee on the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendment to House Bill No. 1093, and now has concurred in the Senate amendment to House Bill No. 1093, and has discharged the

conference committee on the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2219

Senate Bill No. 2316

Senate Bill No. 2346

Senate Concurrent Resolution No. 4020

Senate Concurrent Resolution No. 4046

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2113

Senate Bill No. 2251

Senate Bill No. 2354

Senate Bill No. 2378

Senate Bill No. 2381

Senate Bill No. 2413

Senate Bill No. 2423

Senate Concurrent Resolution No. 4047

Senate Concurrent Resolution No. 4053

Senate Concurrent Resolution No. 4082

ROY GILBREATH, Chief Clerk

House Chamber

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

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

Which the Speaker has signed.

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. 2061

Senate Bill No. 2068

Senate Bill No. 2079

Senate Bill No. 2141

Senate Bill No. 2314

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL NO. 2061

On page 1, line 1, delete the word "chapter" and insert in lieu thereof the words "chapters 26-38 and"

On page 1, line 2, after the word "to" insert the words "coordination of benefits provisions and"

On page 1, line 11, delete the first word "and", and after the numerals "26-38-24" insert the following: ", and subsection 3 of section 26-41-10"

On page 1, line 18, delete the word "and"

On page 1, line 19, after the word "examinations" and before the period insert the comma and words ", and coordination of benefits with basic no-fault benefits"

On page 8, after line 25, insert the following two new sections:

"SECTION 9. A new section to chapter 26-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

COORDINATION OF BENEFITS PROVISION. Group health maintenance organization contracts may contain coordination of benefits or other insurance provisions for the control of overinsurance. The provisions shall be in accordance with rules adopted by the commissioner.

SECTION 10. AMENDMENT. Subsection 3 of section 26-41-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Any An insurer, health maintenance organization, or nonprofit service corporation, other than a basic no-fault insurer, authorized to do business in this state may coordinate any benefits it is obligated to pay for economic loss incurred as a result of accidental bodily injury, with the first five thousand dollars of basic no-fault benefits. Any-such An insurer, health maintenance organization, or nonprofit service corporation may not coordinate benefits unless it provides those persons who purchase benefits from it with an equitable reduction or savings in the direct or indirect cost of purchased benefits. Any-such A coordination of benefits plan shall be approved by the commissioner of insurance."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2068

On page 1 of the engrossed bill delete lines 13 through 16 and insert in lieu thereof the following:

"DUTY TO NEGOTIATE - JUST COMPENSATION - APPRAISALS

1. A condemnor shall make every reasonable and diligent effort to acquire property by negotiation.
2. Before initiating negotiations for the purchase of property, the condemnor shall establish an amount which it believes to be just compensation therefor and promptly shall submit to the owner an offer to acquire the property for the full amount so established. The amount shall not be less than the condemnor's approved appraisal or written statement and summary of just compensation for the property.
3. In establishing the amount believed to be just compensation, the condemnor shall disregard any decrease or increase in the fair market value of the property caused by the project for which the property is to be acquired or by the reasonable likelihood that the property will be acquired for that project, other than a decrease due to physical deterioration within the reasonable control of the owner.
4. The condemnor shall provide the owner of the property with a written appraisal, if one has been prepared, or if one has not been prepared, with a written statement and summary, showing the basis for the amount it established as just compensation for the property. If appropriate, the compensation for the property to be acquired and for the damages to remaining property shall be separately stated."

On page 1, line 24, of the engrossed bill, after the word "all" insert the word "neighboring"

On page 2 of the engrossed bill delete lines 25 through 29 and insert in lieu thereof the following:

"2. For the purpose of this chapter "condemnor" means a person empowered to take property under the power of eminent domain."

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

On page 3, line 10, of the engrossed bill, delete the words "at the time of written"

On page 3, line 11, of the engrossed bill, delete the words "notification in all cases"

On page 3, line 12, of the engrossed bill, delete the words "the institution of" and insert in lieu thereof "initiating"

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2079

On page 1, line 1 of the reengrossed bill, delete the word "highway" and insert in lieu thereof the word "general"

On page 1, line 15 of the reengrossed bill, after the overstruck period insert the following sentence: "All moneys derived from the investment of the fund are to be credited to the fund."

On page 2, line 5 of the reengrossed bill, delete the word "four" and insert in lieu thereof the word "five"

On page 2, line 6 of the reengrossed bill, after the comma insert the words "the tax shall be suspended and", and delete the word "four" and insert in lieu thereof the word "five"

On page 2, line 7 of the reengrossed bill, delete the word "highway" and insert in lieu thereof the word "general", and after the period insert the sentence: "If the tax has been suspended and on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand dollars or less the tax shall be reimposed on and after January first of the succeeding year."

On page 2, line 10 of the reengrossed bill, delete the numerals "400,000" and insert in lieu thereof the numerals "500,000"

On page 2, line 11 of the reengrossed bill, delete the word "highway" and insert in lieu thereof the word "general"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2141

On page 3, line 19 of the engrossed bill, delete the numerals "1981" and insert in lieu thereof the numerals "1982"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2314

On page 1, line 15 of the engrossed bill, delete the comma and words ", including a home rule"

On page 1, line 16 of the engrossed bill, delete the word and comma "city,"

On page 1, line 19 of the engrossed bill, after the period insert the following: "This Act shall not apply to home rule cities nor limit the authority of a home rule city to levy any taxes authorized by other provisions of law."

On page 2, line 16 of the engrossed bill, delete the word "None" and insert in lieu thereof the word "The"

On page 2, line 17 of the engrossed bill, delete "of the" and after the word "shall" insert "not"

On page 2, line 18 of the engrossed bill, after the word "construction" and before the period insert "or purchase of real property"

On page 2, line 23 of the engrossed bill, after the word "remit" insert "quarterly"

On page 2, line 29 of the engrossed bill, delete "and"

On page 2, line 30 of the engrossed bill, delete "regulations"

And renumber the lines and pages accordingly

APPOINTMENT OF CONFERENCE COMMITTEES

Senator Reiten moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1058, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1058:

Senator Quail, Chairman

Senator Mutch

Senator Grotberg

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1095, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1095:

Senator Goodman, Chairman

Senator Wright

Senator Shablow

Senator Peterson moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1132, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1132:

Senator Cussons, Chairman

Senator Peterson

Senator Grotberg

Senator Lodoen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1184, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1184:

Senator Dykshoorn, Chairman

Senator Cussons

Senator Redlin

Senator Reiten moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1189, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1189:

Senator Parker, Chairman

Senator Tennesfos

Senator Grotberg

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1227, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1227:

Senator Lips, Chairman

Senator Hanson

Senator Tallackson

Senator H. Christensen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1231, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1231:

Senator Holmberg, Chairman

Senator Sorum

Senator Lashkowitz

Senator H. Christensen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1411, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1411:

Senator Stenehjem, Chairman

Senator Iszler

Senator Stromme

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1484, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1484:

Senator Parker, Chairman

Senator Dykshoorn

Senator Mutch

Senator Lodoen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1563, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1563:

Senator Solberg, Chairman

Senator Bakewell

Senator Cussons

Senator Reiten moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1568, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1568:

Senator Mutch, Chairman

Senator R. Christensen

Senator Parker

MOTION

Senator Goodman moved that the Senate do not concur in the House amendments to Senate Bill No. 2239 as printed on pages 1441 and 1442 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A

CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2239:

- Senator Moore, Chairman
- Senator Wright
- Senator Shablow

Senator Goodman moved that the Senate do not concur in the House amendments to Senate Bill No. 2314 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A
CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2314:

- Senator Wright, Chairman
- Senator Goodman
- Senator Barth

CONSIDERATION OF
MESSAGES FROM THE HOUSE

Senator Solberg moved that the Senate do concur in the House amendments to Senate Bill No. 2296 as printed on page 1340 of the Senate Journal, which motion prevailed.

Senator Solberg moved that the rules be suspended, that Senate Bill No. 2296 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2296. — A Bill for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code to provide a penalty for failure to register a snowmobile.

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 2, absent and not voting 7.

REGULAR SESSION					NORTH DAKOTA SENATE ROLL CALL					1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	
●			●	GROTBERG		●	NELSON		●		STREIBER	
●			●	HANSON	●	●	NETHING		●		STROMME	
●			●	HOLMBERG		●	OLIN		●		TALLACKSON	
●			●	ISZLER		●	PARKER	●	●		TENNEFOS	
●			●	LASHKOWITZ		●	PETERSON		●		THANE	
●			●	LEE		●	QUAIL		●		TIERNEY	
●			●	LEIBHAN		●	REDLIN		●		TWETEN	
●			●	LIPS		●	REITEN		●		VOSPER	
●			●	LODGEN		●	ROEN		●		WALSH	
●			●	MELLAND		●	SHABLOW		●		WENSTROM	
●			●	MOORE		●	SOLBERG		●		WRIGHT	
●			●	MUTCH		●	SORUM		●		MR. PRESIDENT	
●			●	NAADEN		●	STENEHJEM					

So the bill passed and the title was agreed to.

Senator Holmberg moved that the Senate do concur in the House amendments to Senate Bill 2299, as printed page 1340 of the Senate Journal, which motion prevailed.

Senator Holmberg moved that the rules be suspended, that Senate Bill 2299 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2299. — A Bill for an Act to amend and reenact

section 57-15-06.3 of the North Dakota Century Code, relating to a county construction program of farm to market and federal aid roads.

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 0, absent and not voting 7.

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	YEAS	N-V	NAYS
● ADAMS			● GROTBORG			● NELSON			● STREIBER					
● 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			● LODDÉN			● ROEN			● WALSH					
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM					
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT					
● FRITZELL			● MUTCH			● SORUN			● MR. PRESIDENT					
● GOODMAN			● NAADEN			● STENEHJEM								

So the bill passed and the title was agreed to.

MESSAGE 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. 2296

Senate Bill No. 2299

and subsequently passed the same.

Very respectfully,

LEOLEIDHOLM, Secretary

Senator Nething moved that the conference committees on House Bills Nos. 1093 and 1430 be discharged, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2239

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

Senate Bill No. 2239

Senator Moore

Senator Wright

Senator Shablow

Very respectfully,

LEOLEIDHOLM, 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. 2112
- Senate Bill No. 2120
- Senate Bill No. 2344
- Senate Bill No. 2416
- Senate Concurrent Resolution No. 4001
- Senate Concurrent Resolution No. 4021
- Senate Concurrent Resolution No. 4050
- Senate Concurrent Resolution No. 4055
- Senate Concurrent Resolution No. 4056

- Senate Concurrent Resolution No. 4057
- Senate Concurrent Resolution No. 4059
- Senate Concurrent Resolution No. 4062
- Senate Concurrent Resolution No. 4065
- Senate Concurrent Resolution No. 4066
- Senate Concurrent Resolution No. 4068
- Senate Concurrent Resolution No. 4069
- Senate Concurrent Resolution No. 4071
- Senate Concurrent Resolution No. 4072
- Senate Concurrent Resolution No. 4073
- Senate Concurrent Resolution No. 4078
- Senate Concurrent Resolution No. 4081
- Senate Concurrent Resolution No. 4083
- Senate Concurrent Resolution No. 4084

and find the same correctly

} Enrolled

Stella H. Fritzell
 Stella Fritzell
 Chairman

Senator Moore

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:

Senate Concurrent Resolution No. 4085

and find the same correctly

} Engrossed

Stella H. Fritzell
 Stella Fritzell
 Chairman

Senator

Dykshoorn

moved that the report be adopted, which motion prevailed.

MESSAGES TO THE HOUSE
Senate Chamber

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

House Bill No. 1058

Senators:

Senator Quail

Senator Mutch

Senator Grotberg

House Bill No. 1095

Senators:

Senator Goodman

Senator Wright

Senator Shablow

House Bill No. 1132

Senators:

Senator Cussons

Senator Peterson

Senator Grotberg

House Bill No. 1189

Senators:

Senator Parker

Senator Tennesos

Senator Grotberg

House Bill No. 1227

Senators:
 Senator Lips
 Senator Hanson
 Senator Tallackson
 House Bill No. 1231
 Senators:
 Senator Holmberg
 Senator Sorum
 Senator Lashkowitz
 Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1411

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

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

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

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate stand in recess until 1:00 p.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

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

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:
 Senate Bill No. 2051

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

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

LEOLEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

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

were delivered to the Governor for his approval on March 18, 1981.

STELLA H. FRITZELL, Chairman

Correction and Revision of The Journal

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

On page 1457, delete line 56.
 On page 1458, delete lines 2, 3 and 4.

And when so corrected recommends that the same be approved.

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

**MESSAGE FROM THE HOUSE
 House Chamber**

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

Senate Bill No. 2214
 Reps.
 Rep. Nicholas
 Rep. Moum
 Rep. Meyer
 Senate Bill No. 2228
 Reps.
 Rep. Retzer

Rep. Vig
 Rep. Koski
 Senate Bill No. 2432
 Reprs.
 Rep. Nicholas
 Rep. Moum
 Rep. Meyer
 Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that House Bill No. 1003 be re-engrossed, which motion prevailed.

CONSIDERATION OF AMENDMENTS

Senator Peterson moved that the amendments to House Bill No. 1050 recommended by the Committee on Social Services and Veterans Affairs and printed on page 1460 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the amendments to House Bill No. 1105 recommended by the Committee on Judiciary and printed on page 1461 of the Senate Journal be adopted, which motion prevailed.

Senator Lee moved that the amendments to House Bill No. 1190 recommended by the Committee on Natural Resources and printed on pages 1461 - 1464 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 Peterson moved that the amendments to House Bill No. 1204 recommended by the Committee on Social Services and Veterans Affairs and printed on pages 1464, 1465 of the Senate Journal be adopted, which motion prevailed.

Senator Peterson moved that the amendments to House Bill No. 1418 recommended by the Committee on Social Services and Veterans Affairs and printed on pages 1464 - 1468 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1466 recommended by the Committee on Appropriations and printed on pages 1468, 1469 of the Senate Journal be adopted.

Senator Dotzenrod requested a recorded roll call vote on the motion to adopt the proposed amendments to House Bill No. 1466, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to House Bill No. 1466, the roll was called and there were ayes 42, nays 8, absent and not voting 0.

NORTH DAKOTA SENATE											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
•			•	GROETBERG		•	NELSON		•	STREIBEL	
•			•	HANSON		•	NETHING			STROMME	•
•			•	HOLMBERG		•	OLIN			TALLACKSON	•
	•		•	ISZLER		•	PARKER		•	TENNEFOS	
	•		•	LASHKOWITZ	•	•	PETERSON		•	THANE	
•			•	LEE		•	QUAIL		•	TIERNEY	
•			•	LEIBHAN		•	REDLIN	•	•	TWETEN	
•			•	LIPS		•	REITEN		•	VOSPER	
	•		•	LODDEN		•	ROEN		•	WALSH	
•			•	MELLAND		•	SHABLOW	•	•	WENSTROM	
•			•	MOORE		•	SOLBERG		•	WRIGHT	
•			•	MUTCH		•	SORUM			MR. PRESIDENT	
•			•	NAADEN		•	STENEHJEM				

The proposed amendments to House Bill No. 1466 were adopted.

Senator Adams moved that consideration of the amendments to House Bill No. 1641 be laid over three legislative days, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1653 recommended by the Committee on Appropriations and printed on pages 1470, 1471 of the Senate Journal be adopted, which motion prevailed.

MOTION

Senator Nething moved that the Senate recess the regular business of the session for the purpose of conducting the Senate Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE

Memorial Service Committee:

Senator Christensen

Senator Sorum

Senator Berube

President Sands, Presiding Officer

PROGRAM

State of North Dakota

47th Legislative Assembly

SENATE MEMORIAL SERVICE

Wednesday

March 18, 1981

SENATE CHAMBER

INVOCATION

Rev. James Butler, First Presbyterian Church

MUSIC BY

Minot Air Force Base Choir

Pat Knight, Director

"God Bless America"

"23rd Psalm"

READING OF

SENATE MEMORIAL RESOLUTION

Leo Leidholm, Secretary

ACKNOWLEDGING GUESTS: Lt. Gov. Sands

ADDRESS: Former Sen. Claire Sandness

MUSIC

Minot Air Force Base Choir

"You Touched My Life and I Thank You"

BENEDICTION

Rev. James Butler, First Presbyterian Church

FIRST READING OF SENATE MEMORIAL RESOLUTION

Committee on Memorial Resolutions introduced:

Senate Memorial Resolution No. 1

Senate Memorial Resolution No. 1. — A memorial resolution for deceased members of the Senate of the State of North Dakota.

Senator Christensen moved that the rules be suspended, that Senate Memorial Resolution No. 1 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE MEMORIAL RESOLUTION NO. 1

Introduced by

Committee on Memorial Resolutions

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

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

FRANCIS J. BUTLER, who served in the Fortieth through the Forty-third Legislative Assemblies, from the twenty-first district, died April 6, 1979.

ARLIE I. FERRY, who served in the Thirty-third and Thirty-fourth Legislative Assemblies, from the seventeenth district, died March 31, 1980.

JOHN LEIER, who served in the Thirty-fourth and Thirty-fifth Legislative Assemblies, from the twentieth district, died October 22, 1980.

ARTHER W. LUICK, who served in the Thirty-second through the Forty-first Legislative Assemblies, from the twenty-fifth district, died September 16, 1980.

FRANK J. RUEMMELE, who served in the Thirty-ninth through the Forty-first Legislative Assemblies, from the thirty-fifth district, died October 12, 1979.

ALBERT J. SANDNESS, who served in the Thirtieth through the Thirty-third Legislative Assemblies, from the twenty-fourth district, died August 21, 1979.

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

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

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

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

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

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the journal of the Senate and that duly enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased senators.

SECOND READING OF A SENATE MEMORIAL RESOLUTION

Senate Memorial Resolution No. 1. — A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution, Senate Memorial Resolution No. 1 was adopted on a voice vote.

Senator Nothing moved that the Invocation, the remarks of former Senator Claire Sandness and the Benediction be printed in the Journal, which motion prevailed.

The invocation was offered by Rev. James M. Butler, Pastor, First Presbyterian Church, Bismarck.

Gracious God, the plumb-line of Your judgment and mercy hangs over lives and nations at all times. How grateful we are for Your goodness and Your guidance; and for humanity's stubborn struggle to be free. We come in gratitude for those who have been here with us, and before us, whose labors are complete. Establish the good works of their hands and minds, overrule whatever they did amiss. Help us to appreciate them, and to learn from their example. Give them the rest Your servants crave. Give comforting strength to those who miss, and remember, and mourn them. Give us, we pray, the diligence of those who know they serve an on-going inheritance; and the optimism of those who know our times are in Your hands. Give us always, voice to praise your goodness, and a will to serve You, first of all. Amen.

REMARKS OF FORMER STATE SENATOR CLAIRE SANDNESS

Mr. President, Members of the Senate, families and friends of those that we remember in a special way today. For this service, I want to bring to your attention one verse from the Gospel of Matthew, the 10th chapter by relating to you a lesson I learned from a friend of mine, a lesson that has helped me tremendously to understand what it means to serve in a public capacity, and to find in it, many ways to serve the Lord Jesus Christ.

"He that keeps his life for himself will lose it - but he who loses his life in Jesus Christ will find it there."

My friend said when he was in high school he learned a poem and he still remembers the first two lines because they bothered him so long. "Stone walls do not a prison make, nor iron bars a cage." I couldn't

understand that, he said, because some time before that their class visited a state penitentiary on a field trip and it left a tremendous sensation - if those stone walls and iron bars don't make prisons, I don't know what does.

He said it was years before he understood what that poet was trying to say, and it came to him while reading a beautiful book about flying, entitled *Wind, Sand and Stars*, and in the final paragraphs of that book, you find these lines, the ones that straightened him out about what imprisons people, what enslaves people, what locks people in - not stone walls, not iron bars, but in the words of this author, Antoine de Saint Exupery. "What all of us want is to be set free. The man who sinks his pickaxe into the ground wants that stroke to mean something. The convict's stroke is not the same as the prospector's, for the prospector's stroke has meaning, and the convict's stroke has none. Prison is not just a mere physical horror. It is using a pickaxe to no purpose that makes a prison - a prison that we all yearn to escape.

I take this to mean that when you and I go along from day to day not understanding that who we are and what we do count how we have meaning in the whole scheme of human existence and God's plan, then we are imprisoned, then we are enslaved, then our life is without meaning.

If you forget everything else I say today, I want you to remember this - the thing that sets you free - gives your life meaning, significance, direction, structure, and force, is knowing that who you are and what you do from day to day makes a constructive difference.

Most all of the former Senators that we memorialize today were farmers, at least men close to agriculture, and they knew how to use a pickaxe and whether they would sink its point into the soil of their farm, or into the soil of government, or into the soil of community service, they wanted it to mean something and so do you!

Now one has to say that money is important. Too important to many. Because we have created the kind of world where hundreds of thousands of us believe it is enough to swing pickaxes for paychecks. Don't misunderstand me. We all know people who have their fair share of money, and perhaps more, who use it constructively and productively, and where they spend, where they invest - much of life lights up. But we also know those whose money is their dungeon. They spend their life counting it, guarding it, and ulcerating that the Federal Government or inflation, or a thief in the night will steal it away. So it is not so simple - to corner the so-called good things in life, and thus be free. And if I had the power to give people, out of my hand, the most precious of gifts, I shouldn't hand them sacks of gold and walk away.

But we must speak of another meaning of freedom for we have created the kind of world where hundreds of thousands believe that it is enough to swing pickaxes for positions. And we think that when we get to be a foreman, a manager, a director, a Senator or whatever, then life will be a many splendored thing! I know we need leadership. We are so desperate for leadership in our land, in government, in industry, in labor, in education, in agriculture, in the church, and real leaders are rare. Too many seek only the power and prestige of the office and too few the hard, wearying, days and nights which really are the lot of leaders. You and I know some leaders who see their responsibilities not as a burden, but as an opportunity to swing their picks in meaning and in freedom. And where they lead, it's a joy to follow. But you and I also know others whose responsibilities as leaders are their dungeons. No happiness, only pressure, demands, no time of their own. So it is not so

simple. And if I had the power to give everyone the most precious of human gifts. I wouldn't hand them a sack of gold or promise they'd get their name on any door.

For the thing that sets you free, that gives your life meaning, significance, direction, structure and force is knowing that who you are and what you do makes a constructive difference - whatever your level of affluence or leadership.

Jim Duncan had to learn that the hard and bitter way. I want to tell you his story.

I would like to nominate as my candidate as the greatest hero in WWII, Jim Duncan. He never wore a uniform, nor flew a bomber, nor stalked battleships in a submarine. The reason he didn't do any of these things throughout the war - he was serving a life sentence in the New Jersey State Penitentiary. We learned this story from the prison warden, John L. O'Hara. Jim Duncan was an honor student in high school. At 18 he was one of the finest golfers in the state of New Jersey, but like some young people both you and I know, thirsty for excitement, lost his way.

These were prohibition times and upon graduation from high school, he secured a very exciting job, piloting a rum-running speedboat off the New Jersey coast. One night they were hijacked and in the scuffle the hijacker was killed. Jim Duncan and his two companions were convicted of the murder and sentenced to life imprisonment in the New Jersey State Penitentiary.

Warden O'Hara reported that Jim Duncan served seven years of his time in obscurity. Then one day he asked to see the warden. He came into his office. He said nothing. He put a newspaper clipping on the warden's desk and he picked it up and read it. It told about a prisoner in the Connecticut Penitentiary who had just died after submitting himself as a volunteer in an Army medical experiment conducted in that prison.

Why can't we do something like that, Duncan asked. What do you mean die, the warden asked. Do you think that the men would volunteer, he continued. I think they would gather around like flies, Duncan answered. O'Hara, haunted by this strange request, called the Surgeon General's Office to inquire about the need for human volunteers in Army medical experiments and discovered it was very urgent. So he set up an experimental ward in the prison hospital. The Army medics came in and called first for volunteers for sleeping sickness. Jim Duncan was the first to volunteer!

Next came sandfly fever. This was the disease that killed so many of Rommel's men in the African desert - again Jim Duncan was the first to volunteer.

Later he was one of 16 to be inoculated with dengue-fever, the fever that caused more casualties in the Pacific than the Japanese. O'Hara watched these volunteers suffer terribly. Duncan's weight dropped from 174 to 140 pounds, but he no sooner was back on his feet when he volunteered a second time for further dengue-fever experiments. The warden said he watched these men, and especially this kid, Jim Duncan, and wondered if he would live. Why should he, condemned by society to spend the rest of his life behind stone walls and iron bars, so freely endanger his life for people for whom he should never meet or know that they might be saved from pain - even death?

Towards the end of the war, he got his answer.

Jim Duncan had volunteered the fifth time as a human guinea pig, this time for transfusion jaundice. It was reported that a prisoner in

another prison had just died in such an experiment. Coming into the hospital ward this night, O'Hara saw Duncan on his cot, pale, terribly high fever, a deathly sick man. And though he had his eyes closed, O'Hara knew he was awake. And he said to him, Jim, I'm going to level with you. This time you are bad. You may not live through this. Is there anything you want me to do for you?

After what seemed to be an eternity, Duncan said, "No, I'm fine. I'm very fine. I have never been better in my whole life."

Why have I told you this story? Because I want you to possess Jim Duncan's secret. Because I want to underline the involvement of a person with a purpose, and now it transformed him and transformed the lives of countless others. And because so many forces in our world today teach quite another lesson—to go it alone. A recent best seller, "Looking Out for Number One", another "Winning by Intimidation", it's alright if you can do it.

This resounding message of much of the adult world (to our youth in our time) is what Jim Duncan once believed. He was a bright boy, a gifted child. Well educated in a sense. Apparently it never occurred to those responsible for his education that it was not his academic record, it was not his mental alertness, nor his fund of information, nor his athletic skill, rather it was the nature of the gods he chose to serve with all he was.

Jim Duncan at the age of 25 came to understand that his life really had no meaning unless somehow, some way, he could tie it back into the lives of other people.

In prison, to lie in solitary confinement is the cruelest of punishments. But outside of prison, to make oneself the center of all one's concern and endeavor, to go it alone, taking care of No. 1, to win by intimidation—these are equally as corrupting and corroding of the human spirit.

For when the purpose of people are intimidation and exploitation, they, as well as the exploited, are diminished. But when the purpose of people are to serve, both they and those they serve are enriched and transformed.

After the war, Jim Duncan was paroled. He is today an editor of a newspaper in the State of Alaska.

But I should like to point out that he really won his freedom, not the day he walked through those prison gates and into the world again, but rather at that moment back in prison when he came to understand the necessity to swing his pick in the community of mankind.

When he came to understand the necessity to join the greatest of all communities—to join the human race! "He who keeps his life for himself shall lose it".

Jim Duncan strengthened and sustained by God offered his life to community of people and there he found it again. My dad, like all these former Senators that have died, that we remember today, I'm sure gave most all his life to his family—and hardly a day goes by—in something that I do, or something that I think about—I find him there!

They gave a part of their life to the North Dakota Senate—and this afternoon we find them again!

The Benediction was offered by Rev. James Butler, Pastor, First Presbyterian Church, Bismarck.

Go forth into the world in peace. Be of good courage, hold fast to that which is good, and render unto no man evil for evil. Strengthen the fainthearted, support the weak, help the afflicted, honor all men. Love and serve the Lord, rejoice always in the power of God's Holy Spirit.

Amen.

Senator Nething moved that the Senate Memorial Session be dissolved, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

- House Bill No. 1252
- House Bill No. 1397
- House Bill No. 1426
- House Bill No. 1514
- House Bill No. 1543
- House Bill No. 1595
- House Bill No. 1654
- House Concurrent Resolution No. 3016
- House Concurrent Resolution No. 3065

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

- House Bill No. 1252
 - House Bill No. 1397
 - House Bill No. 1426
 - House Bill No. 1514
 - House Bill No. 1543
 - House Bill No. 1595
 - House Bill No. 1654
 - House Concurrent Resolution No. 3016
 - House Concurrent Resolution No. 3065
- Which the President has signed.

LEO LEIDHOLM, Secretary

MOTION

Senator Nething moved that all House Bills adopted on the 6th Order and all future bills adopted on the 6th Order, plus all amended bills on the 14th Order of Business, be engrossed, or re-engrossed, which motion prevailed.

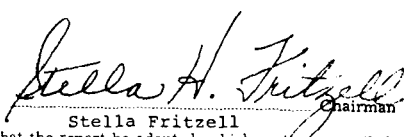
Report of Procedural Committee

MR. PRESIDENT:

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

House Bill No. 1003

and find the same correctly Re-Engrossed



Stella H. Fritzell
Chairman

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

SECOND READING OF SENATE BILLS

Senate Bill No. 2253. — A Bill for an Act to specify certain rights to which developmentally disabled persons are entitled.

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.

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

So the bill passed and the title was agreed to.

Senate Bill No. 2437. — A Bill for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to the responsibilities of the industrial commission under initiated measure No. 6 as approved in the 1980 general election; to amend and reenact subsections 4 and 5 of section 38-08-04 of the North Dakota Century Code, relating to the authority of the industrial commission and the state geologist to classify oil and gas wells; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

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

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

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

Senate Bill No. 2439. — A Bill for an Act to create and enact three new sections to chapter 57-02 of the North Dakota Century Code to declare legislative purpose concerning the taxation of minerals in real property, to provide for a real property tax on mineral interests, to provide exemptions, to provide for disposition of the proceeds of the tax, to provide for assignment of mineral interests and forfeiture, and to provide for termination of the mineral tax.

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 15, nays 32, absent and not voting 2.

REGULAR SESSION			NORTH DAKOTA SENATE ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS		●	● GROTBERG			● NELSON		●	● STREIBEL		●
● ALBERS			● HANSON		●	● NETHING		●	● STROMME		
● BAKEWELL		●	● HOLMBERG		●	● OLIN		●	● TALLACKSON		
● BARTH			● ISZLER		●	● PARKER		●	● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON		●	● THANE		●

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

Senate Bill No. 2439 was declared lost.

MOTIONS

Senator Nething moved that House Bills Nos. 1005, 1608, 1003, 1022, 1023, 1024, 1051, 1444, 1464, 1489, 1591, 1648 and HCR No. 3072 be moved to the head of the calendar, which motion prevailed.

Senator Nething moved that the Senate stand in recess for fifteen minutes, which motion prevailed.

The Senate reconvened, with President Sands presiding.

SECOND READING OF HOUSE BILLS

House Bill No. 1005. — A Bill for an Act making an appropriation for the distribution of funds for the replacement of personal property taxes.

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 47, nays 2, absent and not voting 1.

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1005 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber

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

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

House Bill No. 1651

LEO LEIDHOLM, Secretary
Senate Chamber

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

Senate Bill No. 2438

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 1608. — A Bill for an Act to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to exceptions to the compulsory attendance law and providing an exception for pupils attending nonpublic schools or being educated in nonpublic schools.

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

Senator Dotzenrod moved that House Bill No. 1608 be amended as follows:

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

“(3) The superintendent of public instruction shall establish and implement a method of testing instructors at nonpublic schools who are not certified in accordance with chapter 15-36 and section 15-41-25 which will measure those instructors’ equivalent levels of education. The testing shall be accomplished utilizing the general educational development (GED) test, and the superintendent of public instruction may adopt rules concerning receipt of scoring information and level of acceptable test scores; or the superintendent may adopt another test to determine instructors’ equivalent levels of education pursuant to this paragraph, if the test would be no less difficult than the general educational development test.”

And renumber the lines and pages accordingly.

Senator Dotzenrod moved that the proposed amendments be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 18, nays 31, absent and not voting 1.

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

House Bill No. 1608 was declared lost.

House Bill No. 1003. — A Bill for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of accounts and purchases of the state of North Dakota.

Which has been read.

Senator Melland moved that House Bill No. 1003 be amended as follows:

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

So the bill passed and the title was agreed to.
 Senator Nething moved that the vote by which House Bill No. 1022 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1023. — A Bill for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

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

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

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

Senator Nething moved that the vote by which House Bill No. 1023 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1024. — A Bill for an Act making an appropriation for defraying the expenses of the division of disaster emergency services of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.
 Senator Nething moved that the vote by which House Bill No. 1024 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1051. — A Bill for an Act to authorize reciprocal postsecondary vocational education agreements with Minnesota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 44, nays 5, absent and not voting 1.

REGULAR SESSION									1981 LEGISLATURE								
NORTH DAKOTA SENATE									NORTH DAKOTA SENATE								
ROLL-CALL									ROLL-CALL								
YEAS	N-V	NAYS	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		●	LEIGHAN	●	●	REDLIN		●	TWETEN							
●	CUSONS		●	LIPS		●	REITEN		●	VOSPER							
●	DOTTENROD		●	LODOEN		●	ROEN		●	WALSH							
●	DYKSHOORN		●	MELLAND		●	SHABLOW		●	WENSTROM							
●	ERICKSON		●	MOORE		●	SOLBERG		●	WRIGHT							
●	FRITZELL		●	MUTCH		●	SORUM		●	MR. PRESIDENT							
●	GOODMAN		●	NAADEN		●	STENEHJEM										

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1051 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1444. — A Bill for an Act to create and enact three new sections to chapter 38-08.1 of the North Dakota Century Code, relating to the filing of a surety bond before engaging in geophysical exploration and the issuance of an exploration permit; and to amend and reenact subsection 1 of section 38-08.1-01 and sections 38-08.1-02, 38-08.1-03, 38-08.1-04, and 38-08.1-05, of the North Dakota Century Code, relating to definitions, persons required to comply with certain requirements, filing a notice of intention to engage in geophysical exploration, and filing a record of work performed.

Which has been read.

ROLL CALL

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

REGULAR SESSION									1981 LEGISLATURE								
NORTH DAKOTA SENATE									NORTH DAKOTA SENATE								
ROLL-CALL									ROLL-CALL								
YEAS	N-V	NAYS	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		●	LEIGHAN		●	REDLIN		●	TWETEN							
●	CUSONS		●	LIPS		●	REITEN		●	VOSPER							
●	DOTTENROD		●	LODOEN		●	ROEN		●	WALSH							
●	DYKSHOORN		●	MELLAND		●	SHABLOW		●	WENSTROM							
●	ERICKSON		●	MOORE		●	SOLBERG		●	WRIGHT							
●	FRITZELL		●	MUTCH		●	SORUM		●	MR. PRESIDENT							
●	GOODMAN		●	NAADEN		●	STENEHJEM										

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1444 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1464. — A Bill for an Act to amend and reenact section 49-22-16.2 of the North Dakota Century Code, relating to electric transmission facility easements.

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 13, nays 36, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION						ROLL CALL			1981 LEGISLATURE		
YEAS	N.V.	NAYS	YEAS	N.V.	NAYS	YEAS	N.V.	NAYS	YEAS	N.V.	NAYS
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Rep. Hill
 Rep. Reed
 Rep. Matchie
 Senate Bill No. 2313
 Reps. :
 Rep. Richie
 Rep. Gates
 Rep. Sorum
 Senate Bill No. 2370
 Reps. :
 Rep. Hill
 Rep. Dan Olson
 Rep. Sorum
 Senate Bill No. 2389
 Reps. :
 Rep. Houmann
 Rep. Richie
 Rep. E. Pomeroy
 Senate Bill No. 2417
 Reps. :
 Rep. O. Hanson
 Rep. Knudson
 Rep. Dotzenrod
 Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2078
 Reps. :
 Rep. Conmy
 Rep. Houmann
 Rep. Matchie
 Senate Bill No. 2101
 Reps. :
 Rep. Knudson
 Rep. Schinder
 Rep. I. Jacobson
 Senate Bill No. 2122
 Reps. :
 Rep. Black
 Rep. Boyum
 Rep. Kelly
 Senate Bill No. 2132
 Reps. :
 Rep. Reed
 Rep. G. Reiten
 Rep. Hoffner
 Senate Bill No. 2161
 Reps. :
 Rep. Wentz
 Rep. Conmy
 Rep. E. Pomeroy
 Senate Bill No. 2201
 Reps. :

Rep. Olafson
Rep. Kent
Rep. L. Hanson
Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Standing Committee

Mr. President : Your Committee on Appropriations
to whom was referred House Bill No. 1006

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 24, delete the numerals "2,902,188 and insert in lieu thereof the numerals "2,816,078"
- On page 1 of the engrossed bill, line 25, delete the numerals "2,578,108" and insert in lieu thereof the numerals "2,575,885"
- On page 1 of the engrossed bill, line 28, delete the numerals "3,288,100 and insert in lieu thereof the numerals "3,166,450"
- On page 2 of the engrossed bill, line 3, delete the numerals "9,800,215" and insert in lieu thereof the numerals "9,590,232"
- On page 3 of the engrossed bill, delete lines 33 and 34
- On page 4 of the engrossed bill, delete lines 1 through 10
- On page 4 of the engrossed bill, line 11, delete the numerals "12,927,94 and insert in lieu thereof the numerals "12,717,95,"
- On page 4 of the engrossed bill, line 13, delete the numerals "26,973,77: and insert in lieu thereof the numerals "26,763,795"


And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Director of Institutions is reduced by \$86,110 to delete funds for the noncontributory retirement plan. The operating expenses line item is reduced by \$2,223 from the House version to reflect legislative guidelines of nine percent per year.

The capital improvements line item is decreased a total of \$121,650. The total decrease consists of the following: \$50,000 of the \$534,950 allowed for completion of parking lots is deleted; \$10,000 of the \$46,300 added by the House for furnishings and repairs to the Governor's residence is deleted; and \$61,650 of the \$1,561,650 allowed for completion of the remodeling of the Liberty Memorial Building is deleted.

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

 Chairman
Senator Lips

House Bill No. 1006 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. 1033

WEDNESDAY, MARCH 18, 1981

1505

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 "2,643,448" and insert in lieu thereof the numerals "2,587,546"

On page 1 of the engrossed bill, line 22, delete the numerals "15,914,236" and insert in lieu thereof the numerals "15,858,334"

On page 1 of the engrossed bill, line 23, delete the numerals "10,131,043" and insert in lieu thereof the numerals "10,108,682"

On page 1 of the engrossed bill, line 24, delete the numerals "5,783,193" and insert in lieu thereof the numerals "5,749,652"

On page 2 of the engrossed bill, delete lines 28 through 35 and insert in lieu thereof the following:

"SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the appropriation for capital improvements and grants, benefits, and claims in section 1 of this Act be expended at the discretion of the parks and recreation department and the state outdoor recreation interagency council. The parks and recreation department shall present an itemized list to the 1983 legislative assembly of the amount expended for various projects from these line item appropriations."


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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced \$55,902, of which \$22,361 is estimated income and \$33,541 is from the general fund, for funds for the noncontributory retirement plan. A section of legislative intent is added allowing expenditures for capital improvements and grants, benefits, and claims, to be made at the discretion of the parks and recreation department and the state outdoor recreation interagency council.

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


Senator Lips Chairman

House Bill No. 1033 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. 1036

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 22, delete the numerals "232,109" and insert in lieu thereof the numerals "224,385"

On page 1 of the engrossed bill, line 26, delete the numerals "1,258,050" and insert in lieu thereof the numerals "1,250,326"

On page 2 of the engrossed bill, line 9, delete the numerals

JOURNAL OF THE SENATE

- "1,845,255" and insert in lieu thereof the numerals "1,790,902"
- On page 2 of the engrossed bill, line 14, delete the numerals "2,580,522" and insert in lieu thereof the numerals "2,526,169"
- On page 2 of the engrossed bill, line 17, delete the numerals "104,839" and insert in lieu thereof the numerals "101,423"
- On page 2 of the engrossed bill, line 20, delete the numerals "253,637" and insert in lieu thereof the numerals "250,221"
- On page 2 of the engrossed bill, line 28, delete the numerals "427,140" and insert in lieu thereof the numerals "414,017"
- On page 2 of the engrossed bill, line 34, delete the numerals "1,829,973" and insert in lieu thereof the numerals "1,816,850"
- On page 3 of the engrossed bill, line 6, delete the numerals "6,764,270" and insert in lieu thereof the numerals "6,685,654"
- On page 3 of the engrossed bill, line 7, delete the numerals "7,406,216" and insert in lieu thereof the numerals "7,327,600"
- On page 3 of the engrossed bill, delete lines 22 through 35 and insert in lieu thereof the following:

"SECTION 4. POTATO COUNCIL APPROPRIATION. In addition to the funds appropriated to the state potato council in section 1 of this Act, there is hereby appropriated any additional funds available to the council from increased assessments pursuant to the provisions of section 4-10.1-09 of the North Dakota Century Code. Such additional funds shall only be expended upon approval of the budget section of the legislative council."

On page 4 of the engrossed bill, delete lines 1 through 3

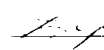
And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amounts deducted from salaries and wages for the noncontributory retirement plan from the various departments' appropriations are as follows:

Sunflower Council	\$ 7,724
Seed Department	54,353
Agricultural Products Promotion Commission	3,416
Wheat Commission	<u>13,123</u>
Total	<u>\$ 78,616</u>

And when so amended recommends the same do pass

 Chairman
 Senator Lips

House Bill No. 1036 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. 1529

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, remove the overstrike over the words "~~to-the~~"
- On page 1 of the engrossed bill, line 19, remove the overstrike over the words "~~generai-fund~~", and delete the following:
"as follows:"
- On page 1 of the engrossed bill, delete lines 20 through 22
- On page 1 of the engrossed bill, line 23, delete the words "general fund"
- On page 4 of the engrossed bill, line 31, after the period insert the following: "Provided, however, that in determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of determining the per capita limitation in this section shall be increased by adding to the population of the city as determined by the last official decennial federal census a number to be determined as follows:
- a. Seasonal employees of state and federal tourist facilities within five miles of the city shall be included by adding the months all such employees were employed during the prior year and dividing by twelve.
 - b. Seasonal employees of all private tourist facilities within the city and seasonal employees employed by the city shall be included by adding the months all such employees were employed during the prior year and dividing by twelve.
 - c. The number of visitors to the tourist attraction within the city or within five miles of the city which draws the largest number of visitors annually shall be included by taking the smaller of either of the following:
 - (1) The total number of visitors to that tourist attraction the prior year divided by three hundred sixty-five; or
 - (2) Six hundred."

and renumber the lines and pages accordingly

And when so amended recommends the same do pass.


 Senator Goodman Chairman

House Bill No. 1529 was placed on the sixth

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

Senator Nething moved that at the conclusion of the 5th Order of Business and after the reading of House Bills Nos. 1050, 1105, 1190, 1204, 1418, 1466, and 1653, the Senate adjourn and convene at 9:30 a.m., Thursday, March 19, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary