

FIFTY-THIRD DAY

Bismarck, March 20, 1981

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

The prayer was offered by Rev. Harold Vold, Pastor, Milnor Lutheran Church.

Blessed Lord God: We are lawmakers, representatives of the people elected by them. Help us to remember this, that we are servants of the people, so we will know to whom we are responsible. Yet, Father, these legislators know more than we citizens back home, because they have studied the issues, and have seen all sides of a problem or opportunity. We citizens now say "Thank You" to our elected friends for their long and industrious hours of work on our behalf. Bless them, God, and teach them Your rules, Your laws, so that there may be justice, harmony and freedom for all our people. Also, heavenly Father, we ask You to bless the families of our legislators - those who stay home and work, and so make it possible for them to serve - as well as families here who support their spouses through long and tense-filled days. We thank You, God, for our representative form of government. May we use this gift rightly, that it may be a blessing to all. May my spoken words and our unspoken thoughts be pleasing even to You, O Lord my Rock my Redeemer. Amen.

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

A quorum was declared by the President.

MOTION

Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2213 as printed on pages 1510, 1511 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. 2213:

Senator Erickson, Chairman

Senator Mutch

Senator Dykshoorn

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

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.

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

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4089 was declared lost on a voice vote.

SECOND READING OF HOUSE BILLS

House Bill No. 1006. — A Bill for an Act making an appropriation for defraying the expenses of various divisions under the supervision of the director of institutions of the state of North Dakota, to set out special contingency fund guidelines; making an appropriation to the permanent fund of the common schools for transfer of title of the judicial wing and state office building to the state; to amend and reenact section 10 of chapter 139 of the 1977 Session Laws of North Dakota, relating to the transfer of title to the office building; 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			ROLL CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS			• GROETBERG			• NELSON			• STREIBEL		
• ALBERS			• HANSON			• NETHING			• STROMME		
• BAKEWELL			• HOLMBERG			• OLIN			• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASHKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #36			• LEIBHAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODOEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			MR. PRESIDENT		
• GOODMAN			• NAA DEN			• STENEHJEM					

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

House Bill No. 1033. — A Bill for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2114

Senate Bill No. 2216
Senate Bill No. 2232
Senate Bill No. 2245

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. 2117
Senate Bill No. 2160
Senate Bill No. 2286
Senate Bill No. 2355
Senate Bill No. 2356
Senate Bill No. 2358
Senate Bill No. 2364
Senate Bill No. 2374
Senate Bill No. 2394
Senate Bill No. 2404
Senate Concurrent Resolution No. 4087

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2117

On page 1, line 2 of the engrossed bill, after the numerals "52-06-02" insert the words and numerals "and subsection 4 of section 52-06-01"

On page 1, line 3 of the engrossed bill, after the word "disqualification" insert the words "and eligibility"

On page 1, line 16 of the engrossed bill, remove the overstrike over the word "~~five~~" and on the same line delete "~~ten~~"

On page 1, after line 26 of the engrossed bill, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 4 of section 52-06-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:
 - a. Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, ~~provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment;~~
 - b. If benefits have been paid with respect thereto;
 - c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2160

On page 1, line 23 of the engrossed bill, after the word "He" insert the words "License agents"

On page 1, of the engrossed bill, remove the overstrikes over the words on lines 24 through 27

On page 2, of the engrossed bill, remove the overstrikes over the words on lines 1 and 2

On page 2, line 5 of the engrossed bill, overstrike the words "of twenty-"

On page 2, line 6 of the engrossed bill, overstrike the word "five" and immediately thereafter insert the words "not to exceed thirty"

On page 2, line 8 of the engrossed bill, delete the words "being bonded" and insert in lieu thereof the following: "financial responsibility as required by the commissioner"

On page 2, line 9 of the engrossed bill, delete the words "for a minimum of five thousand dollars"

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2286

On page 1, line 19 of the engrossed bill, delete the word "fifteen" and insert in lieu thereof "twenty-five"

On page 1, line 20 of the engrossed bill, after the period insert the following: "In no event, however, shall the petition contain less than thirty signatures.", and on the same line delete the word "ten" and insert in lieu thereof "six"

On page 1, line 21 of the engrossed bill, after the word "more" insert the words "municipal election"

On page 1, line 24 of the engrossed bill, after the word "for" insert the words "the office of"

On page 2, line 23 of the engrossed bill remove the overstrike from the words "call a special election at which only", and on the same line delete the words "place on the"

On page 2 of the engrossed bill, delete lines 24 through 26

On page 2, line 27 of the engrossed bill, delete the words and comma "been filed,"

On page 2, line 28 of the engrossed bill, remove the overstrike from the following: "will be submitted- The date of"

On page 2, line 29 of the engrossed bill, remove the overstrike from the words "such election shall not be less than" and from the word "days nor more than", and on the same line after the word "thirty" insert the word "sixty"

On page 2 of the engrossed bill, remove the overstrike from line 30

On page 2, line 31 of the engrossed bill, remove the overstrike from the words and period "sufficient petition has been filed-"

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2355

On page 1, line 10 of the engrossed bill, delete the following: "Public contracts, and contracts" and insert in lieu thereof the word "Contracts" and on the same line after the word "persons" delete the comma

On page 1, line 12 of the engrossed bill, after the first word "to" insert the words "section 40-22-37 or" and after the comma insert the words "or contracts governed by federal statutes or regulations which require other provisions with respect to retention,"

On page 1, line 17 of the engrossed bill, after the period insert the following new sentence: "If the owner, governing board, or authorized committee invests the retained estimate funds, the interest earned on those retained funds shall be payable at the time of final payment on the contract to the contractor on whose account the moneys were held."

And renumber the lines accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2356

On page 2, line 5, after the word governor, delete the word "shall" and insert in lieu thereof the word "may"

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2358

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 distribution of a portion of the state general fund if the balance reaches a certain level."

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

SECTION 1. CERTIFICATION OF GENERAL FUND BALANCE - DISTRIBUTION OF EXCESS. On or before August 15, 1982, the director of the department of accounts and purchases shall certify to the tax commissioner the revenue which has been credited to the state general fund during the fiscal year beginning July 1, 1981, and ending June 30, 1982. If that amount exceeds five hundred million dollars, seventy-five percent of the excess over five hundred million dollars shall be transferred from the state general fund to the special trust fund established by subsection 2 of section 6 of initiated measure No. 6 which was voted on and approved at the November 1980 general election. The remaining twenty-five percent of the excess over five hundred million dollars shall be transferred from the state general fund to the common schools trust fund."

And renumber the lines accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2364

On page 1, line 4, after the word "duties" and before the period insert the following: "; and to amend and reenact subdivision i of subsection 1 of section 28-32-01 of the North Dakota Century Code, as created by House Bill No. 1042, as approved by the forty-seventh legislative assembly, relating to agencies not included within the definition of administrative agency"

On page 1, after line 6, insert the following new section:

"SECTION 1. AMENDMENT. Subdivision i of subsection 1 of section 28-32-01 of the North Dakota Century Code, as created by section 1 of House Bill No. 1042, as approved by the forty-seventh legislative assembly, is hereby amended and reenacted to read as follows:

- i. ~~The board of equalization except with respect to the assessment of property under article X, section 47 of the Constitution of North Dakota.~~

On page 1, line 7, delete the word "A" and insert in lieu thereof the following: "If House Bill No. 1042 is not approved by

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the forty-seventh legislative assembly or for some other reason does not take effect, then a"

On page 1, underscore lines 10 through 18

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2374

On page 2, line 34 of the reengrossed bill, after the numerals "15-08.1-08" insert the following: "and any moneys transferred from the lands and minerals trust to maintain the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2394

On page 1, line 13, overstrike the word "The" and insert immediately thereafter the words "For school bus service which was started prior to July 1, 1981, the"

On page 1, line 15, remove the overstrike over the words "~~state average~~"

On page 1, line 16, delete the words "~~local school district's~~" and remove the overstrike over the words "~~or-the-local~~"

On page 1, line 17, remove the overstrike over the following: "~~school-district's-cost,-whichever-is-the-lesser-amount~~" and delete the word "~~during~~"

On page 1, line 18, delete the words "~~the preceding school year~~" and after the period insert the following new sentence: "For school bus service started on or after July 1, 1981, the total fees collected may not exceed an amount equal to the difference between the state transportation payment and the local school district's cost for transportation during the preceding school year. Any districts that have not previously provided transportation for pupils may establish charges based on costs estimated by the school board during the first year that transportation is provided."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2404

On page 1, line 3 of the reengrossed bill, delete the semicolon and the words "; to provide an" and insert in lieu thereof a period "."

On page 1 of the reengrossed bill, delete line 4

On page 1, line 10 of the reengrossed bill, after the word "consist", add the words "of nine members to be appointed by the chairman of the legislative council."

On page 1 of the reengrossed bill, delete lines 11 through 22

On page 4, line 16 of the reengrossed bill, after the word "assembly" insert the words "and, following adjournment of the forty-eighth legislative assembly, the commission shall be dissolved."

On page 4 of the reengrossed bill, delete lines 17 through 26

And renumber lines, pages and sections accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION 4087

On page 2, line 35, delete the numeral 200 and insert in lieu thereof the numeral 225.

On page 3, line 19, delete the numeral 200 and insert in lieu thereof the numeral 225, which motion prevailed.

House Chamber

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

- Senate Bill No. 2224
- Senate Bill No. 2295
- Senate Bill No. 2304
- Senate Bill No. 2386
- Senate Bill No. 2406
- Senate Bill No. 2426
- Senate Bill No. 2435

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that House Bills Nos. 1243, 1306, 1357 and 1450 be laid over three legislative days, which motion prevailed.

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

The Senate reconvened, with President Sands presiding.

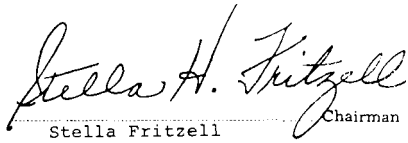
Report of Procedural Committee

MR. PRESIDENT:

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

Senate Bill No. 2412

and find the same correctly { Enrolled



Stella H. Fritzell
Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

- House Bill No. 1037
- House Bill No. 1307
- House Bill No. 1392
- House Bill No. 1422
- House Bill No. 1447
- House Bill No. 1458
- House Bill No. 1615
- House Bill No. 1634
- House Concurrent Resolution No. 3020
- House Concurrent Resolution No. 3052

House Concurrent Resolution No. 3061
 House Concurrent Resolution No. 3074
 House Concurrent Resolution No. 3077
 House Concurrent Resolution No. 3078
 House Concurrent Resolution No. 3080

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE
 Senate Chamber

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

House Bill No. 1037
 House Bill No. 1307
 House Bill No. 1392
 House Bill No. 1422
 House Bill No. 1447
 House Bill No. 1458
 House Bill No. 1615
 House Bill No. 1634
 House Concurrent Resolution No. 3020
 House Concurrent Resolution No. 3052
 House Concurrent Resolution No. 3061
 House Concurrent Resolution No. 3074
 House Concurrent Resolution No. 3077
 House Concurrent Resolution No. 3078
 House Concurrent Resolution No. 3080
 Which the President has signed.

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. 1292
 House Bill No. 1332
 House Bill No. 1343
 House Bill No. 1384
 House Bill No. 1395
 House Bill No. 1463
 House Bill No. 1520
 House Bill No. 1571
 House Bill No. 1619
 House Concurrent Resolution No. 3001
 House Concurrent Resolution No. 3031
 House Concurrent Resolution No. 3032
 House Concurrent Resolution No. 3036
 House Concurrent Resolution No. 3045
 House Concurrent Resolution No. 3048
 House Concurrent Resolution No. 3050
 House Concurrent Resolution No. 3056
 House Concurrent Resolution No. 3058
 House Concurrent Resolution No. 3062
 House Concurrent Resolution No. 3081
 Very Respectfully,

LEO LEIDHOLM, Secretary

Correction and Revision of The Journal

Mr. President Your Committee on Revision and Correction of the
 Journal has carefully examined the Journal of the Fifty-second day and

prevailed.

MESSAGES FROM THE HOUSE
House Chamber

Mr President: I have the honor to transmit herewith the following:
House Concurrent Resolution No. 3041
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:
Senate Bill No. 2113
Senate Bill No. 2251
Senate Bill No. 2296
Senate Bill No. 2299
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
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

House Bill No. 1036. — A Bill for an Act making an appropriation for defraying the expenses of various agricultural councils and commissions 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			ROLL-CALL			ROLL-CALL			ROLL-CALL		
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		•	ISLER		•	PARKER		•	TENNEFOS	
•	BERUBE		•	LASHKOWITZ		•	PETERSON		•	THANE	
•	CHRISTENSEN, H. #5		•	LEE		•	QUAIL		•	TIERNEY	
•	CHRISTENSEN, R. #36		•	LEIBHAN		•	REDLIN		•	TWETEN	
•	CUSSONS		•	LIPS		•	REITEN		•	VOSPER	
•	DOTZENROD		•	LODOEN		•	ROEN		•	WALSH	
•	DYKSHOORN		•	MELLAND		•	SHABLOW		•	WENSTROM	
•	ERICKSON		•	MOORE		•	SOLBERG		•	WRIGHT	
•	FRITZELL		•	MUTCH		•	SORUM			MR. PRESIDENT	
•	GOODMAN		•	NAADEN		•	STENEHEJM				

So the bill passed and the title was agreed to.

House Bill No. 1083. — A Bill for an Act to create and enact three new sections to chapter 50-01 of the North Dakota Century Code, relating to determination of residence for poor relief purposes; to amend and reenact sections 50-01-01, 50-01-01.1, 50-01-02, 50-01-04, 50-01-07, 50-01-08, 50-01-08.1, 50-01-09, 50-01-10, 50-01-13, 50-01-17, 50-01-18, 50-01-19, 50-01-21, 50-01-22, 50-06-06.1, 50-09-20, 50-09-21, 50-18-06.1, and 50.24.1-03 of the North Dakota Century Code, relating to county poor relief and poor relief administration, appropriation of county funds for aid to dependent children, reimbursement by counties for the nonfederal share of aid to dependent children and medical assistance, and the

social service board establishing reasonable rates for boarding homes; to repeal sections 50-01-03, 50-01-05, 50-01-06, 50-01-09.1, 50-01-12, 50-01-14, 50-01-15, 50-01-16, 50-01-20, and chapter 50-02 of the North Dakota Century Code, relating to county poor relief and poor relief administration, and residence for poor relief purposes; and to provide an appropriation.

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 11, nays 38, 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
		●		GROETBERG	●		NELSON	●		STREIBEL	●
ADAMS				HANSON	●		NETHING	●		STROMME	●
ALBERS		●		HOLMBERG	●		OLIN	●		TALLACKSON	●
BAKEWELL				ISZLER	●		PARKER	●		TENNEFOS	●
BARTH				LASHKOWITZ	●	●	PETERSON	●		THANE	●
BERUBE				LEE	●		QUAIL	●		TIERNEY	●
CHRISTENSEN, H. #5				LEIBMAN	●		REDLIN	●		TWETEN	●
CHRISTENSEN, R. #30				LIPS	●		REITEN	●		VOSPER	●
CUSSONS				LODDOEN	●		ROEN	●		WALSH	●
DOTZENROD		●		MELLAND	●		SHABLOW	●		WENSTROM	●
DYKSHOORN		●		MOORE	●		SOLBERG	●		WRIGHT	●
ERICKSON		●		MUTCH	●		SORUM	●		MR. PRESIDENT	●
FRITZELL		●		NAADEN	●		STENEHJEM	●			
GOODMAN		●									

House Bill No. 1083 was declared lost.

MOTION

Senator Tierney moved that House Bill No. 1293 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1529. — A Bill for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code to provide for distribution of the oil and gas gross production tax; and to repeal section 57-51-08 of the North Dakota Century Code, relating to adjustments to the gross production tax rate by the state board of equalization.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

House Bill No. 1626. — A Bill for an Act to provide owners of surface estates with a royalty interest in the minerals underlying the surface.

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 18, nays 32, absent and not voting 0.

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

House Bill No. 1626 was declared lost.

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1068

House Bill No. 1373

House Bill No. 1429

House Bill No. 1440

House Bill No. 1489

House Bill No. 1572

House Concurrent Resolution No. 3034

House Concurrent Resolution No. 3063

House Concurrent Resolution No. 3073

Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Concurrent Resolution No. 3055

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 Concurrent Resolution No. 3035

LEO LEIDHOLM, Secretary

RECOGNITION

Senator Nothing moved that a committee of two be appointed to escort the Hon. Byron Dorgan, United States Congressman, to the rostrum. The motion prevailed and President Sands appointed as such committee, Senators Redlin and Berube.

The Hon. Byron Dorgan was escorted to the rostrum and addressed the Assembly.

Senator Nothing moved that the remarks of Congressman Dorgan be printed in the Journal, which motion prevailed.

REMARKS OF

CONGRESSMAN BYRON DORGAN

Mr. Lt. Governor, and Senators, ladies and gentlemen, first let me

say, I appreciate the honor of being invited to address you today. I have, as most of you know, spent five legislative sessions in this building, working in the executive branch, by working very closely with many of you. There are times that we have disagreed on some issues. Maybe that's understating it, but there are other times when we have worked very closely on issues, so I am very honored to be able to come and pay my respects and to say a few words.

I remember that someone told me when I left this capitol last December that things were going to be paralyzed around here if I left after 11 years, and I sort of said, that's nonsense, and I came back last Friday night and turned on the television, and here was Senator Nething and some of his friends in wheelchairs at the State Class A Basketball Tournament. I don't suspect I should claim a cause effect relationship for that but all the time that I served in the executive branch I heard members of the state legislature tell me that the difficulty here at your desk is that you have only two ways to push that button - yes or no, and I didn't really respect and appreciate those statements until I began to vote in a legislative body and then I understood what many of you told me that you wished there was a place there for "I think so" or perhaps "I'm not so sure." The fact is that it's not there, and you do vote yes or no, and I am developing a healthier respect every day for the choices that you have to make.

As I indicated, we have had some disagreements in the past over the five sessions I was in the executive branch. The fact is we have worked on a lot of issues and in Washington, D.C. when we talk with people from North Dakota and other places in this country, I think, and Senators Andrews, Burdick and others look back to state legislatures, to our legislature and to our executive branch with a great deal of pride. We have a good government. It works well - not a hint of scandal. People work hard. We don't always agree. We scrap pretty heavily from time to time, but it is a source of pride to come from North Dakota and talk about the kind of government we have and it's the kind of government that all of you participate in. You also, when you leave, tend to think that they are going to forget about you and not going to get in touch with you.

Last Monday morning, I received a call from a newspaper in North Dakota and they were calling because Jack Anderson on Monday of this week was running a column and in the column, many of you probably read it, Jack Anderson pointed out that there was a secret sex club in Washington for congressmen, diplomats and others and the Bismarck Tribune wanted my comments in that regard and of course being a freshman, I just referred them, as you would have done, to the senior members of our delegation, Senators Andrews and Burdick.

I'd like to spend just a minute talking about the sometimes confusing and sometimes dramatic things that are happening in government and our economy. Confusing, because one of the things that we are talking about in Washington almost everyday is whether or not the grain embargo with the Soviet Union is going to be lifted and there are bi-partisan groups supporting and bi-partisan groups opposing the grain embargo. Confusing I say because many of us know that President Carter when he was president and before he was president went the length and breadth of this land telling us that if he were elected president, he would not impose a grain embargo and he did, and then confusing because President Reagan, of course, campaigned the length and breadth of the land and said that if he was elected, he would lift

the embargo and he didn't, and many of us feel that the embargo ought to be lifted. Again, in a bi-partisan way, many of us who represent agricultural interests believe that the embargo has not injured the Soviet Union. The Soviet Union is still buying their product. They are buying soy beans through the Dutch. The Dutch buy the soy beans from us, reprocess and sell them to the Soviet Union and our farmers are the ones who are not getting the profits and so we are working to see if we can't persuade the administration to lift that grain embargo.

I mentioned dramatic times because the times are dramatic. We have inflation that is very difficult. We have inflation that approaches 12 and 13 percent. We have high unemployment and we have high interest rates. Part of the condition it seems to me, results from almost an intoxication of government spending. I know that there are tendencies for all of us to put people into big spending and frugal camps. This person is either a big spender or this person is frugal. Well that's not the way it is. I played tennis recently on a tennis court and on the side of the tennis court there was a sign, and the sign said "This tennis court built with U.S. Fish and Wildlife conservation funds." It was the Jennings Randolph-Robert Byrd Memorial Tennis Court, built with U.S. Fish and Wildlife conservation funds, and it occurred to me - why are we building tennis courts with U.S. Fish and Wildlife Funds? Why is the Farm Home Administration using Farmers Home money to build motels and racquetball clubs? Well, it is because these programs, although well intentioned, and imposed for a need, have been stretched and distorted by people who have administered them over the years and so there is a need to cut budgets. The President says he would like to cut budgets for fiscal year 1981 in the form of a recession, and also for fiscal year 1982 by forty-nine billion dollars, and it is my intention to support the President in his budget cuts at that level. I think we ought to cut the budget. I intend to do the most I can representing North Dakota to cut the budget. I will vote to make cuts in that neighborhood of forty-nine billion dollars. Reasonable people, of course, will disagree on specifics. I intend to disagree on specifics. I think the cut in solar appropriations and solar energy is unwise. I think cutting alcohol fuels loan programs is not wise. I think cutting WIC and Medicaid is unwise.

The Farm Home Administration, particularly, is an area where there ought to be some cuts. But we ought to make sure we cut what wastes and not that which works. The cuts in the proposed budget for the loans for farm ownership, particularly for the beginning farmer, are too deep, I think. For example, the money left in that budget for all the beginning farmers all across America, after the budget cuts, if they're approved, would represent only half of the amount of money this government put its name on to support a loan to one corporation, Chrysler. And that's just fundamentally wrong. But, again, budget cuts are important and I intend to support them. So I think there are some specific spending cuts we can disagree on, but generally speaking that my judgment is that President Reagan has taken some bold and some courageous steps in trying to get rid of some public spending areas where no Democrat or Republican has ever touched in the past. Let me say, however, that I think we need to go farther than that because the components of inflation, are not just federal spending. Inflation is caused according to some economists, about half of the inflation is caused by energy, the burgeoning price of energy and that bubble of price increase as it has through our economy and has for almost a

decade, is causing about half of our inflation.

Some of the inflation is caused by deficit spending. Some of the inflation is caused by lack of competition in the market place. Some of it is caused by a decreasing rate of productivity and some of it is just structural endemic inflation in our economy that we have to deal with in the long term. But in the short run, to deal with inflation we must not only deal with federal spending, I think we also have to deal with the energy problem. That means we have to produce more and use less, and produce more of the right kind and it means a massive commitment, I think, to conservation programs. So I intend to encourage the administration, work with the administration to push forward to those kinds of additional programs to deal with our economy. That is especially important, I think to North Dakota, a heavy energy user because we are agricultural and also a heavy energy producer in the area of oil and coal.

Second, the interest rate issue has to be dealt with. High interest rates do not help cure inflation. They cause more. I used to teach economics and we taught years ago. Well, I didn't teach years ago. When I taught economics some years ago, the classical economic definition was that if you have demand-pull inflation, you dampen the supply of money and you then abate the fires of inflation. The fact is we don't have demand-pull inflation. We have a different kind of inflation. An increase in the cost of money increases the cost of living because almost every good we produce in this country has embodied in it some increased cost of credit. The Wall Street Journal indicated a few days ago, that the largest institutions and the largest corporations in our country are still borrowing money at about the same rate they used to. They are borrowing it at higher prices because the interest rates have gone up and they are simply forcing that through the economy, which means more inflation. But the small business and the family farmer are not able to get credit, and if they are, they cannot afford it. So we need consistent monetary policies that make sense. I think we have to move away from the high interest policies and I intend to work with the administration to develop a monetary policy that is in the best interest, not only of this country, but especially the kind of economic make-up we have in this state.

We come from different backgrounds and we have different philosophies in some cases, we come from different parts of the state, but I think we have one common interest - those of you in the State Senate, and myself working on the state's behalf in Washington, and that common interest is to work for what we perceive to be the public good in North Dakota. That is the spirit with which I offer my cooperation in the years ahead. We are in a tough time. We are cutting spending, as I indicated previously. It is hard to ask people to commit themselves to that sort of thing, but we must.

I remember a little parody about a farmer with his chicken and pig that seems appropriate as an admonition to all of us who are engaged in this effort. The chicken and the pig were trying to figure out what to give the farmer for his birthday and the chicken said to the pig, "let us give him some ham and eggs." The pig thought for a while, then he understood what that meant and said, "well, for you, that is just a contribution, but for a pig, that means total commitment." I think that we need to understand that when we are talking about budget cutting that we need commitment, not just contribution from some and commitment from others, but commitment across the board. That is the spirit with which I will enter the budget cutting mood and the

activities of Congress and I am sure that is the spirit with which you discharge your duties.

I would also like to say in conclusion that the test of government, I think, is to keep the private sector private. The test of government, I think, is to build healthy economy. And the test of government is a test, not only to do that, but also to achieve those goals of government embodied in the constitution called to promote the general welfare, which means that according to one of the most prominent politicians of our times, the moral test, and that moral test of government is how it treats those who are in the dawn of life, the children, and those who are in the twilight of life, the aged, and those who are in the shadows of life the handicapped, the sick and the needy. That's the moral test of government, and I think we will meet all of the tests I have talked about and in the process of doing that serving in the U.S. Congress, I pledge to you my cooperation and ask for your assistance and to tell you to pick up the phone or drop me a note and let me know and I will do whatever I can. I miss coming to the Finance and Tax Committee hearing every morning—well, I sort of miss it, but we have had some awfully good times together and I have a very healthy respect for this body and I am most honored that you invited me to come and address you today.

Thank you very much.

MOTION

Senator Holmberg moved that the Senate reconsider its action whereby House Bill No. 1450 was laid over one legislative day, which motion prevailed.

Senator Holmberg moved that House Bill No. 1450 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1450. — A Bill for an Act to create and enact a new section to chapter 16-10 of the North Dakota Century Code, relating to training sessions on election laws for election officials; to amend and reenact section 16.1-05-05 of the North Dakota Century Code, relating to payment of expenses for attendance at the training session; and to repeal section 16-10-17 of the North Dakota Century Code, relating to training sessions for election inspectors, all provisions of this Act being conditioned upon the nonapproval of House Bill No. 1225.

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

ROLL CALL

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

NORTH DAKOTA SENATE											
REGULAR SESSION						ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
		•	GROTEBERG	•		NELSON	•		STREIBEL	•	
		•	HANSON	•		NETHING	•		STORME	•	
		•	HOLMBERG	•		OLIN	•		TALLACKSON	•	
		•	ISLER	•		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	•				
		•									

House Bill No. 1450 was declared lost.

No. 2038:

Senator Thane, Chairman
 Senator Naaden
 Senator Tallackson

Senator Tierney moved that the Senate do not concur in the House amendments to Senate Bill No. 2286 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. 2286:

Senator Holmberg, Chairman
 Senator Lodoen
 Senator Berube

Senator Tierney moved that the Senate do not concur in the House amendments to Senate Bill No. 2374 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. 2374:

Senator Lodoen, Chairman
 Senator Holmberg
 Senator Shablow

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2404 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. 2404:

Senator Melland, Chairman
 Senator Thane
 Senator Walsh

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 2061 as printed on pages 1478 and 1479 of the Senate Journal, which motion prevailed.

Senator Peterson moved that the rules be suspended, that Senate Bill No. 2061 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. 2061. — A Bill for an Act to create and enact a new section to chapters 26-38 and 54-52.1 of the North Dakota Century Code, relating to coordination of benefits provisions and authorizing the state employees retirement board to offer health maintenance organizations as optional health insurance coverage for state employees, and to create and enact a new subsection to section 54-52.1-01 of the North Dakota Century Code, relating to defining health maintenance organizations; to amend and reenact section 23-17.2-03, subsection 4 of section 26-38-03, section 26-38-06, subdivision d of subsection 2 of section 26-38-10, section 26-38-16, subsection 3 of section 26-38-17, sections 26-38-20 and 26-38-24 and subsection 3 of section 26-41-10 of the North Dakota Century Code, relating to facilities included for certificate of need

So the bill passed and the title was agreed to.

Senator Iszler moved that the Senate do concur in the House amendments to Senate Bill No. 2142 as printed on page 1412 of the Senate Journal, which motion prevailed.

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2142 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2142. — A Bill for an Act to amend and reenact subsections 2 and 3 of section 6-08-16.2, subsection 2 of section 36-04-01, and subsection 2 of section 36-04-04 of the North Dakota Century Code, relating to the penalty for issuing an insufficient fund check to a livestock dealer and the licensing and regulation of livestock dealers.

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				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		
• CUSONS			• 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 Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 2149 as printed on page 1283 of the Senate Journal, which motion prevailed.

Senator Peterson moved that the rules be suspended, that Senate Bill No. 2149 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2149. — A Bill for an Act to provide for a program to regulate hazardous waste from the point of generation through transportation, storage, treatment and disposal, a permit and manifest system, and a demonstration of financial responsibility; 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 48, nays 0, absent and not voting 2.

NORTH DAKOTA SENATE											
REGULAR SESSION				ROLL-CALL				1981 LEGISLATURE			
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS			• 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	● 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 Lee moved that the Senate do concur in the House amendments to Senate Bill No. 2184 as printed on page 1339 of the Senate Journal, which motion prevailed.

Senator Lee moved that the rules be suspended, that Senate Bill No. 2184 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2184. — A Bill for an Act to amend and reenact subsections 9 and 36 of section 20.1-01-02 and section 20.1-07-03 of the North Dakota Century Code, relating to the definition of fur-bearers and gun dogs.

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.

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			● TALLACKRON		
● BARTH			● ISTLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #38			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS		●	● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		●
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Goodman moved that the Senate do concur in the House amendments to Senate Bill No. 2187 as printed on page 1393 of the Senate Journal, which motion prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2187 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. 2187. — A Bill for an Act to amend and reenact section 57-36-10 and subsection 2 of section 57-36-11 of the North Dakota Century Code, relating to discounts for purchases of tobacco stamps and relating to fees for county auditors for tobacco products tax meter settings; and to repeal subsection 7 of section 57-40.2-04 of the North Dakota Century Code, relating to use tax exemption for mixed drinks.

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 0, absent and not voting 6.

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		
• BAKWELL			• HOLMBERG			• OLIN			• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #38			• LEIBHAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODDEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAADEN			• STENEHJEM					

So the bill passed and the title was agreed to.

Senator Moore moved that the Senate do concur in the House amendments to Senate Bill No. 2230 as printed on pages 1393 and 1394 of the Senate Journal, which motion prevailed.

Senator Moore moved that the rules be suspended, that Senate Bill No. 2230 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2230. — A Bill for an Act to amend and reenact sections 1 and 7 of initiated measure No. 6 as voted on in the 1980 general election, and sections 15-20.1-10, 15-40.1-01, 15-40.1-05, 15-40.1-07, 15-40.1-08, 15-40.1-09, 15-40.1-11, 15-40.1-14, 15-40.1-16, 15-40.1-16.1, 15-40.1-18, 15-40.2-05, 15-40.2-10, 15-47-16, and 15-59-06 of the North Dakota Century Code to eliminate the county equalization fund for schools; and to repeal sections 9 and 10 of initiated measure No. 6 as voted on in the 1980 general election, and sections 15-40.1-03, 15-40.1-04, 15-40.1-10, 15-40.1-12, subdivision b of subsection 3 of section 57-15-06, and 57-15-24 of the North Dakota Century Code, relating to the county equalization fund for schools and the county mill levy for schools; and to provide an effective date.

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 10, absent and not voting 1.

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			• GROETBERG			• NELSON			• STREIBEL		
• ALBERS			• HANSON			• NETHING			• STROMME		
• BAKWELL			• HOLMBERG			• OLIN			• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #38			• LEIBHAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODDEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAADEN			• STENEHJEM					

So the bill passed and the title was agreed to.

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 2247 as printed on pages 1339 and 1340 of the Senate Journal, which motion prevailed.

Senator Peterson moved that the rules be suspended, that Senate Bill No. 2247 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2247. — A Bill for an Act to amend and reenact section 23-14-06 of the North Dakota Century Code, relating to fees charged by district health units.

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					
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			● LASKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSEPER		
● DOTZENROD			● LODDOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

MOTIONS

Senator Tierney moved that Senate Bill No. 2262 be laid over one legislative day, which motion prevailed.

Senator Nelson moved that the Senate do concur in the House amendments to Senate Bill No. 2274 as printed on page 1340 of the Senate Journal, which motion prevailed.

Senator Nelson moved that the rules be suspended, that Senate Bill No. 2274 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. 2274. — A Bill for an Act to amend and reenact section 15-40.2-12 of the North Dakota Century Code, relating to school district authority to levy for tuition charges.

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 6, absent and not voting 2.

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			● LASKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSEPER		
● DOTZENROD			● LODDOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Nelson moved that the Senate do concur in the House amendments to Senate Bill No. 2301 as printed on page 1394 of the Senate Journal, which motion prevailed.

Senator Nelson moved that the rules be suspended, that Senate Bill

No. 2301 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2301. — A Bill for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to time limitations concerning water permit applications.

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									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			● GROTBERG			● NELSON			● STREIBEL			● STREIBEL					
● ALBERS	●		● HANSON			● NETHING			● STROMME			● STROMME					
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON			● TALLACKSON					
● BARTH			● ISZLER			● PARKER			● TENNEFOS			● TENNEFOS					
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE			● THANE					
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY			● TIERNEY					
● CHRISTENSEN, R. #3			● LEIBHAM	●		● REDLIN			● TWETEN			● TWETEN					
● CUSSONS			● LIPS			● REITEN			● VOSPER			● VOSPER					
● DOTZENROD			● LODDEN			● ROEN			● WALSH			● WALSH					
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM			● WENSTROM					
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT			● WRIGHT					
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT			● MR. PRESIDENT					
● GOODMAN			● NAADEN			● STENEHJEM											

So the bill passed and the title was agreed to.

Senator H. Christensen moved that the Senate do concur in the House amendments to Senate Bill No. 2322 as printed on page 1395 of the Senate Journal, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that Senate Bill No. 2322 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2322. — A Bill for an Act to amend and reenact sections 16-04-20 and 16-11-06 of the North Dakota Century Code, relating to requirements a political party must meet to receive a separate column on the primary election ballot and to the arrangement of names on the general election ballot; and to repeal section 16.1-06-07 of the North Dakota Century Code, as created by section 16, chapter 271 of the 1979 Session Laws, relating to the arrangement of names on the general election ballot.

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									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			● GROTBERG			● NELSON			● STREIBEL			● STREIBEL					
● ALBERS	●		● HANSON			● NETHING			● STROMME			● STROMME					
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON			● TALLACKSON					
● BARTH			● ISZLER			● PARKER			● TENNEFOS			● TENNEFOS					
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE			● THANE					
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY			● TIERNEY					
● CHRISTENSEN, R. #3			● LEIBHAM	●		● REDLIN			● TWETEN			● TWETEN					
● CUSSONS			● LIPS			● REITEN			● VOSPER			● VOSPER					
● DOTZENROD			● LODDEN			● ROEN			● WALSH			● WALSH					
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM			● WENSTROM					
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT			● WRIGHT					
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT			● MR. PRESIDENT					
● GOODMAN			● NAADEN			● STENEHJEM											

So the bill passed and the title was agreed to.

Report of Procedural Committee

MR. PRESIDENT:

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

Senate Concurrent Resolution No. 4088

and find the same correctly } Engrossed

Stella 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:

House Bill No. 1040

and find the same correctly } Re Engrossed

Stella Fritzell
Stella Fritzell Chairman

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

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Nething moved that the Senate do concur in the House amendments to Senate Bill No. 2338 as printed on pages 1340 - 1342 of the Senate Journal.

Senator Redlin requested a recorded roll call vote on the motion to concur in the House amendments to Senate Bill No. 2338, which request was granted.

ROLL CALL

The question being on the motion to concur in the House amendments to Senate Bill No. 2338, the roll was called and there were ayes 37, nays 11, absent and not voting 2.

NORTH DAKOTA SENATE											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTBERG		● NELSON			● STREIBEL			●
● ALBERS			● HANSON		● NETHING			● STROMME			●
● BAKEWELL			● HOLMBEWG		● OLIN			● TALLACKSON			●
● BARTH	●		● ISLER		● PARKER			● TENNEFOS			
● BERUBE			● LASHKOWITZ		● PETERSON			● THANE			
● CHRISTENSEN, H. 15			● LEE		● QUAIL			● TIERNEY			
● CHRISTENSEN, R. 128			● 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						

The motion to concur in the House amendments to Senate Bill No. 2338 prevailed.

Senator Nething moved that the rules be suspended, that Senate Bill No. 2338 be deemed properly re-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. 2338. — A Bill 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.

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 9, absent and not voting 2.

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

POINT OF PERSONAL PRIVILEGE

Senator Redlin: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. Mr. President, members of the Senate, I would like to explain my vote because it may have looked contrary to some people, but I believe that this may be the only opportunity regardless of my feelings about the method in which it is financed that our friends who are in dire need of water development can be given that opportunity. I cannot allow another session of this legislature to go on without that opportunity being fulfilled and made available. I will continue to have my attitude related to a method in which we are financing and I will continue to strive to see that we fulfill our obligation regarding energy development and the alternative energy sources that our state is needing so very desperately.

POINT OF PERSONAL PRIVILEGE

Senator Solberg: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, in the wisdom of the founders of this nation, they created a document that we call the Constitution of the United States. They spelled out that it should be divided equally in power, in areas of jurisdiction and in the responsibilities that belong to each area of government in this country, one the legislative, one the judiciary and one the administrative. They put in the Constitution the provision that the people of the state should have the power by initiative or referendum to initiate or refer any measure to themselves to be prepared by them and voted upon by the people in the general election. We are not taking a mandate from the people when we adhere to the decision that they made by their vote. The fact that they passed Measure No. 6 is not a mandate to this legislature because of the fact that the legislature has the same power

by a two-thirds majority which is recorded in the Constitution of this country, that by a two-thirds majority they shall supersede and change the provision of any initiated measure that is passed by the people and provided for by the Constitution. Therefore we did not take a mandate from the people in the passage of Measure No. 6. We merely accepted a mandate that was created by a group of selfish people who wrote into the document any kind of a proposition that would give to them an advantage in passage of this particular measure. Therefore we do not have to sit here and think that we have grossly gone against the will of the people - we have not! We have merely used the measure of power that rightly belongs to this legislature by two-thirds majority vote changing a mandate that was created by a few individuals, selfish interests in the form of Measure No. 6, and we have done that this afternoon.

POINT OF PERSONAL PRIVILEGE

Senator Walsh: Mr. President, I rise on a point of personal privilege. Mr. President, members of the Senate, we have heard a lot today about a trust fund and I think as we go down the road and look back on this session and what has happened with this bill here, that we will not think so much of the trust fund in terms of water but I think that we will think of it in terms of the trust of the people. The people voted on Measure No. 6. I think that the action the legislature has taken in effect has violated the trust of the people in the legislative process.

POINT OF PERSONAL PRIVILEGE

Senator Naaden: Mr. President, I rise on a point of personal privilege. It isn't very often that I miss a vote on the floor of the Senate. I did miss voting on Senate Bill No. 2338 this afternoon and I would like to state that I would have voted "yes" had I been in the chamber, but I did not get back in time.

CONSIDERATION OF MESSAGES

FROM THE HOUSE

Senator Lee moved that the Senate do concur in the House amendments to Senate Bill No. 2419 as printed on page 1412 of the Senate Journal, which motion prevailed.

Senator Lee moved that the rules be suspended, that Senate Bill No. 2419 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. 2419. — A Bill for an Act to create a new section to chapter 54-35 of the North Dakota Century Code, relating to a statutory Garrison diversion overview committee.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 45, nays 2, 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
●						●			●		
●						●			●		
●			●			●			●		
●						●			●		
		●	●			●			●		
●			●			●			●		
●			●			●			●		
●			●			●			●		
●			●			●			●		

● CUSSONS	● LIPS	● REITEN	● VOSPER
● DOTZENROD	● LODOEN	● ROEN	● WALSH
● DYKSHOORN	● MELLAND	● SHABLOW	● WENSTROM
● ERICKSON	● MOORE	● SOLBERG	● WRIGHT
● FRITZELL	● MUTCH	● SORUM	MR. PRESIDENT
● GOODMAR	● NAAEDN	● STENEHJEM	

So the bill passed and the title was agreed to.

Senator H. Christensen moved that the Senate do concur in the House amendments to Senate Bill No. 2424 as printed on page 1396 of the Senate Journal, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that Senate Bill No. 2424 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2424. — A Bill for an Act to amend and reenact sections 16-09-01 and 16-21-01 of the North Dakota Century Code, relating to the use of voting machines in all election precincts.

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 1, absent and not voting 3.

NORTH DAKOTA SENATE											
ROLL CALL											
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		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAR			● NAAEDN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Iszler moved that the Senate do concur in the House amendments to Senate Concurrent Resolution No. 4043 as printed on page 1413 of the Senate Journal, which motion prevailed.

Senator Iszler moved that the rules be suspended, that Senate Concurrent Resolution No. 4043 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4043. — A concurrent resolution directing the Legislative Council to study the feasibility and desirability of state promotion of processing plants for North Dakota products within the state.

Was read the second time.

The question being on the final adoption of the resolution, as amended, Senate Concurrent Resolution No. 4043 was declared adopted on a voice vote.

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2308, as printed on page 1511 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2308 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

amendments to Senate Bill No. 2358 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. 2358.

- Senator Goodman, Chairman
- Senator Wright
- Senator Shablow

Senator Goodman moved that the Senate do not concur in the House amendment to Senate Bill No. 2364 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. 2364:

- Senator Adams, Chairman
- Senator Goodman
- Senator Shablow

Senator Nelson moved that the Senate do not concur in the House amendments to Senate Bill No. 2394 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. 2394:

- Senator Tierney, Chairman
- Senator Nelson
- Senator Berube

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2356 which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2356 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. 2356. — A Bill for an Act to rename the department of accounts and purchases as the office of management and budget; to create and enact a new section to chapter 54-07 and a new section to chapter 54-44 of the North Dakota Century Code, relating to the designation of the office of management and budget as the agency to administer nonstatutorily assigned governmental functions; and to amend and reenact sections 54-27.1-01 and 54-44-01 and subsection 1 of section 54-44-11 of the North Dakota Century Code, relating to the federal aid coordinator office, the responsibilities of the office of management and budget, and the state purchasing operating fund.

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.

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		●	GROTEBERG		●	NELSON		●	STREIBEL	

● ALBERS ●	● HANSON	● NETHING	● STROMME
● BAKWELL	● 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	● 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 Wright moved that the Senate do concur in the House amendments to Senate Bill No. 2377 as printed on pages 1412 of the Senate Journal, which motion prevailed.

Senator Wright moved that the rules be suspended, that Senate Bill No. 2377 be deemed properly re-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. 2377. — A Bill for an Act to amend and reenact subsection 1 of section 11-10-10 and section 27-08-08 of the North Dakota Century Code, relating to the salaries of county officers.

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			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		
● BAKWELL			● 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			● 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.

Report of Procedural Committee

MR. PRESIDENT:

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

- Senate Bill No. 2114
- Senate Bill No. 2216
- Senate Bill No. 2232
- Senate Bill No. 2239
- Senate Bill No. 2245

and find the same correctly } Enrolled

Stella H. Fritzell
 Stella H. Fritzell
 Chairman

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

Report of Conference Committees

Mr. PRESIDENT : Your Conference Committee to whom was referred SENATE Bill No. 2049 has had the same under consideration and recommends:

that the Senate accede to the House amendments and that Senate Bill No. 2049 be amended as follows:

On page 1, line 5, delete the words, "for data processing resource planning and"

And renumber the lines accordingly

For the Senate	For the House
Senator Albers <i>[Signature]</i>	Rep. Gunderson <i>[Signature]</i>
Senator Redlin <i>[Signature]</i>	Rep. Pomeroy <i>[Signature]</i>
Senator Dykshoorn <i>[Signature]</i>	Rep. Whalen <i>[Signature]</i>

Senate Bill No. 2049 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2101 has had the same under consideration and recommends:

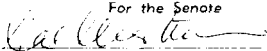
that the Senate accede to the House amendments

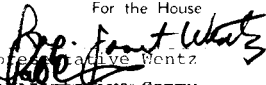
For the Senate	For the House
Senator Erickson <i>[Signature]</i>	Representative Knudson <i>[Signature]</i>
Senator Peterson <i>[Signature]</i>	Representative Schindler <i>[Signature]</i>
Senator Dotzenrod <i>[Signature]</i>	Representative Jacobson <i>[Signature]</i>

Senate Bill No. 2101 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2161 has had the same under consideration and recommends:

that the house recede from its amendments and amend the bill as attached amendments.

For the Senate

 Senator Christensen
 Senator Sorum
 Senator Strömme

For the House

 Representative Bentz
 Representative Conroy
 Representative E. Emery

Senate Bill No. 2161 was placed on the seventh order of business on the calendar for the succeeding legislative day.

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 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

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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 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.

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- 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 in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, showing the name and mailing address of each contributor of an amount in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, and a listing of all disbursements made for political purposes, no later than October fifteenth of each calendar year with the office of 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 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.

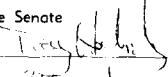
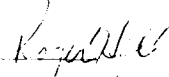
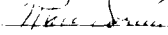

SECTION 5. REPEAL. Section 16-20-08 of the 1979 Special Supplement to the North Dakota Century Code, 16-20-09 of the 1977 Pocket Supplement to the North Dakota Century Code, and sections 16-20-05, 16-20-10, and 16-20-12 of the North Dakota Century Code are hereby repealed."

And renumber the lines, sections, and pages accordingly

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2306 has had the same under consideration and recommends:

the house recede from its amendment and that it be further amended as follows:

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

For the Senate	For the House
Senator Holmberg 	Representative Hill 
Senator Sorum 	Representative Reed 
Senator Lashkowitz (Refused to sign)	Representative Matchie (Refused to sign)

Senate Bill No. 2306 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2370 has had the same under consideration and recommends: that the Senate accede to the house amendments

For the Senate
Senator Iszler
Senator Sorum
Senator Stromme

For the House
Representative Hill
Representative Dan Olson
Representative Sorum

Senate Bill No. 2370 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. PRESIDENT : Your Conference Committee to whom was referred SENATE Bill No. 2417 has had the same under consideration and recommends:

that the Senate accede to the House amendments

For the Senate
Sen. Lodoen
Sen. Wright
Sen. Shablow

For the House
Rep. O. Hanson
Rep. Knudson
Rep. Dotzenrod

SENATE Bill No. 2417 was placed on the Seventh Order order of business on the calendar for the succeeding legislative day.

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2428 has had the same under consideration and recommends:

that the House recede from its amendments and that Senate Bill No. 2428 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the second word "a" and insert in lieu thereof the word "two", and also on line 1 delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 1 of the engrossed bill, line 7, delete the word "A" and insert in lieu thereof the word "Two", and also on line 7 delete the word "subsection" and insert in lieu thereof the word "subsections"

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.

Property, but not including property used for residential purposes, owned by an organization described in subsection 9 and leased to a public school district for educational purposes, provided that the property had previously been owned and occupied by the organization for an exempt purpose described in subsection 9 for a period of at least five years."

and renumber the lines and pages accordingly.

For the Senate -	For the House
Sen. Wright <i>Wright</i>	Rep. Moore <i>Moore</i>
Sen. Goodman <i>Goodman</i>	Rep. A. Olson <i>A. Olson</i>
Sen. Barth <i>Barth</i>	Rep. Berg <i>Berg</i>

Senate Bill No. 2428 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2431 has had the same under consideration and recommends that the senate accede to the house amendments

For the Senate	For the House
Senator Sorum <i>Sorum</i>	Representative Boyum <i>Boyum</i>
Senator Holmberg <i>Holmberg</i>	Representative C. Anderson <i>C. Anderson</i>
Senator Stromme <i>Stromme</i>	Representative Helgaard <i>Helgaard</i>

Senate Bill No. 2431 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1042 has had the same under consideration and recommends:

That the Senate recede from its amendment and that House Bill 1042 be amended as follows:

On page 2, line 15, after the word "equalization" insert a period and delete the following words "except with respect to"

On page 2, delete lines 16 and 17

On page 2, line 24, delete the words "The natural resources council."

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

For the Senate
J. M. Burton
 Sen. Carson
W. Dykshorn
 Sen. Dykshorn
B. Bakewell
 Sen. Bakewell

For the House
Arthur Melby
 Rep. Melby
John Hanson
 Rep. G. Hanson
G. Pomeroy
 Rep. G. Pomeroy

House Bill No. 1042 was placed on the 7th

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

Mr. President: Your Conference Committee to whom was refer-

red House Bill No. 1267 has had the same under

consideration and recommends:

That the Senate recedes from the following amendment:

On page 1, line 21, delete the words "not less than twenty percent" and insert "a majority"

That the House accedes to the following Senate amendment:

On page 1, line 23, after the period, insert the following:
"No signature on the petition shall be considered valid if made more than ninety days prior to receipt of the petition."

That the Senate recedes from the following amendment:

On page 2, line 27, delete the words "not less than twenty percent" and insert "a majority"

And renumber the lines and pages accordingly

For the Senate
Wright
 Sen. Wright
M. Shallow
 Sen. Shallow
Shallow
 Sen. Shallow

For the House
R. J. Metz
 Rep. Metz
John Hanson
 Rep. G. Hanson
J. Jacobson
 Rep. Jacobson

House Bill No. 1267 was placed on the 7th

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

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

Senator Nothing moved that at the conclusion of the 7th order of business and after the reading of House Bills Nos. 1040, 1293, 1605, and HCR No. 3069, the Senate adjourn and convene at 9:00 a.m., Monday, March 23, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary