

FIFTY-SEVENTH DAY

Bismarck, March 26, 1981

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

The prayer was offered by Rev. S. E. Graff, Pastor, First United Methodist Church, Bismarck.

Our Heavenly Father in Whose hands are the issues of men and of nations, we humbly bow before You to acknowledge Your sovereign rule over all, and our accountability to You, our God.

With grateful hearts we acknowledge Your many blessings to us as a people. You have made and preserved us as a Nation. Where we have been obedient to Your holy laws You have blessed and prospered us. Where we have been disobedient You have rightly judged us.

Deliver us from the hypocrisy of saying, we trust in God, and yet never seek Your guidance or believe Your promises. Of saying, we love God yet do not obey You.

Where wrong rules our land lead us to repentance, blot out our sin and renew us in righteousness.

We pray for those who are entrusted with the responsibility of government in our nation and state, asking that You will endue them with wisdom in their decision making, and with courage to stand for the right and true that we might be saved from violence and lawlessness, discord and confusion.

This we ask in the Name of Him before Whom every knee will bow and every tongue confess that He is Lord to the glory of God the Father. Amen.

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

A quorum was declared by the President.

PRESENTATION OF PETITIONS
AND COMMUNICATIONS

The Honorable Ernest M. Sands

March 26, 1981

President of the Senate

Senate Chambers

Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on March 25, 1981, I signed the following Senate Bills:

Senate Bill: 2113

Senate Bill: 2251

Senate Bill: 2296

Senate Bill: 2299

Senate Bill: 2354

Senate Bill: 2378

Senate Bill: 2381

Senate Bill: 2413
Senate Bill: 2423

Sincerely,
ALLEN I. OLSON
Governor

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. 2437

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. 2347

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2347

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 amend and reenact subsection 21 of section 57-38-01 and section 57-38-30 of the North Dakota Century Code, relating to the updating of the definition of federal taxable income for individuals, estates, trusts, and corporations, and to corporation income tax rates; and to provide an effective date.

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

SECTION 1. AMENDMENT. Subsection 21 of section 57-38-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21. "Federal Internal Revenue Code of 1954, as amended", "United States Internal Revenue Code of 1954, as amended", and "Internal Revenue Code of 1954, as amended", mean the United States Internal Revenue Code of 1954, as amended to and including December 31, 1978, provided, however, that these terms shall mean the United States Internal Revenue Code of 1954, as amended to and including December 31, 1976, for purposes of determining under this chapter the income tax return filing requirements, deductions for capital gains, allowances of deductions for personal exemptions, new income allowance, and standard deduction for individuals, estates, and trusts, and provided further that the provisions of section 515 of the Revenue Act of 1978 (Pub. L. 95-600, 92 Stat. 2884) postponing the carryover basis rules of sections 1014(d), 1016(a), and 1023 of the United States Internal Revenue Code of 1954, as amended, for property acquired from decedents dying after December 31, 1976, to property acquired from decedents dying after December 31, 1979, are hereby retroactively incorporated for the purposes of this chapter, and any further postponement, modification, or repeal of those provisions by the Congress of the United States shall be applicable for the purposes of this chapter 1980.

SECTION 2. AMENDMENT. Section 57-38-30 of the 1979 Supplement to the North Dakota Century Code is

hereby amended and reenacted to read as follows:

57-38-30. IMPOSITION AND RATE OF TAX ON CORPORATIONS. A tax is hereby imposed upon the taxable income of every domestic and foreign corporation received from the sources described in sections 57-38-12, 57-38-13, and 57-38-14, which shall be levied, collected, and paid annually as in this chapter provided, and which shall be computed at the following rates:

1. For the first three thousand dollars of taxable income, at the rate of ~~three~~ two percent.
2. On all taxable income above three thousand dollars and not in excess of eight thousand dollars, at the rate of ~~four~~ three percent.
3. On all taxable income above eight thousand dollars and not in excess of ~~fifteen~~ twenty thousand dollars, at the rate of ~~five~~ four percent.
4. On all taxable income above ~~fifteen~~ twenty thousand dollars, and not in excess of ~~twenty-five~~ thirty thousand dollars, at the rate of ~~six~~ five percent.
5. On all taxable income above thirty thousand dollars, and not in excess of fifty thousand dollars, at the rate of six percent.
6. On all taxable income above ~~twenty-five~~ fifty thousand dollars, at the rate of ~~eight-and one-half~~ seven percent.

SECTION 3. EFFECTIVE DATE. The provisions of this Act shall be effective for all taxable years beginning on or after January 1, 1981."

And renumber the lines and pages accordingly

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2228 has had the same under consideration and recommends:

House recedes from its amendments

For the Senate	For the House
Senator Quail-Chairman	Rep. Koski-Chairman-refused to sign
Senator Mutch <i>Mutch</i>	Rep. Retzer <i>Retzer</i>
Sen. R. Christensen <i>Christensen</i>	Rep. Vig <i>Rep Vig</i>
Sen. Quail	

_____ moved that the report be adopted, which motion prevailed.

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1177 has had the same under consideration and recommends:

That the House accede to the Senate amendments

For the Senate
 Sen. Wright
 Sen. Goodman
 (REFUSED TO SIGN)
 Sen. Barth
 Sen. Wright

For the House
 Rep. Hughes
 Rep. Murphy
 (REFUSED TO SIGN)
 Rep. Kelly

moved that the report be adopted, which motion

prevailed.

Senator Tierney moved that the Senate reconsider its action whereby it did not concur in the House amendments to Senate Bill No. 2394 as printed on page 1552 of the Senate Journal, and now does concur with the House amendments to Senate Bill No. 2394, which motion prevailed.

Senator Tierney moved that the rules be suspended, that Senate Bill No. 2394 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. 2394. — A Bill for an Act to amend and reenact section 15-34.2-06.1, relating to the maximum total fees a nonreorganized school district may collect for school bus services.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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
•			•	GROTEBERG		•	NELSON		•	STREIBEL	
•			•	HANSON		•	NETHING		•	STROMME	
•			•	HOLMBERG		•	OLIN		•	TALLACKSON	
•			•	ISZLER		•	PARKER		•	TENNEFOS	
•			•	LASHKOWITZ		•	PETERSON		•	THANE	
•			•	LEE		•	QUAIL		•	TIERNEY	
•			•	LEIBHAN		•	REDLIN	•	•	TWETEN	
•			•	LIPS		•	REITEN		•	VOSPER	
•			•	LODOEN		•	ROEN		•	WALSH	
•			•	MELLAND		•	SHABLOW		•	WENSTROM	
•			•	MOORE		•	SOLBERG		•	WRIGHT	
•			•	MUTCH		•	SORUM			MR. PRESIDENT	
•			•	NAADEN		•	STENEHJEM				

So the bill passed and the title was agreed to.

Senator Mutch moved that the Conference Committee Report on Senate Bill No. 2127 as printed on page 1675 of the Senate Journal be adopted, which motion prevailed.

Senator Mutch moved that the rules be suspended, that Senate Bill No. 2127 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2127. — A Bill for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to penalties for false claims; and to amend and reenact sections 65-05-03, 65-05-04, 65-05-05, 65-05-15, 65-05-17, 65-05-25, and 65-05-26 of the North Dakota Century Code, relating to informing employers of awards, limitation on appeals, payments through other state Acts, aggravation of employment injuries, lump sum settlements, and burial expenses.

Which has been read.

ROLL CALL

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

REGULAR SESSION			NORTH DAKOTA SENATE			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS			• GROETBERG			• NELSON			• STREIBEL		
• ALBERS			• HANSON			• NETHING			• STROMME		
• BAKEWELL			• HOLMBERG			• OLIN	•		• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASHKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. JS			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. J36			• 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 Nelson moved that the Conference Committee Report on Senate Bill No. 2160 as printed on page 1675 of the Senate Journal be adopted, which motion prevailed.

Senator Nelson moved that the rules be suspended, that Senate Bill No. 2160 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2160. — A Bill for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the issuance of hunting, fur-bearer, fishing, and all other licenses and permits issued by the game and fish department; 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 47, nays 0, absent and not voting 3.

REGULAR SESSION			NORTH DAKOTA SENATE			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS			• GROETBERG			• NELSON			• STREIBEL		
• ALBERS			• HANSON			• NETHING			• STROMME		
• BAKEWELL			• HOLMBERG			• OLIN	•		• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASHKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. JS			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. J36			• LEIBHAN			• REDLIN	•		• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODDEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAADEN			• STENEHJEM					

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

Senator Erickson moved that the Conference Committee Report on Senate Bill No. 2213 as printed on page 1676 of the Senate Journal be adopted, which motion prevailed.

Senator Erickson moved that the rules be suspended, that Senate Bill No. 2213 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2213. — A Bill for an Act to amend and reenact subdivisions c of subsection 1 of section 39-12-04 and section 39-12-06 of the North Dakota Century Code relating to movement of farm implements on public highways.

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			● GROETBERG			● 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. JS			● LEE			● QUAIL			● TIERNEY			● TIERNEY					
● CHRISTENSEN, R. FM			● LEIBHAN			● REDLIN			● TWETEN			● TWETEN					
● CUSSONS			● LIPS			● REITEN			● VOSPER			● VOSPER					
● DOTZENROD			● LODOEN			● ROEN			● WALSH			● WALSH					
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM			● WENSTROM					
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT			● WRIGHT					
● FRITZELL			● MITCH			● SORUM			MR. PRESIDENT								
● GOODMAN			● NAA DEN			● STENEHJEM											

So the bill passed and the title was agreed to.

Senator Holmberg moved that the Conference Committee Report on Senate Bill No. 2286 as printed on page 1677 of the Senate Journal be adopted which motion prevailed.

Senator Holmberg moved that the rules be suspended, that Senate Bill No. 2286 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2286. — A Bill for an Act to amend and reenact sections 40-04-08 and 40-04-10 of the North Dakota Century Code, relating to procedures for changing from a commission system of city government.

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 2, absent and not voting 2.

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

So the bill passed and the title was agreed to.

Senator Lodoen moved that the Conference Committee Report on Senate Bill No. 2374 as printed on page 1677 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2374 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2374. — A Bill for an Act to authorize the Bank of North Dakota to guarantee loans used for the construction of community-sized ethanol agriculturally derived fuel production facilities.

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. #M			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Tennefos moved that the Conference Committee Report on Senate Bill No. 2117 as printed on page 1728 of the Senate Journal be adopted, which motion prevailed.

Senator Tennefos moved that the rules be suspended, that Senate Bill No. 2117 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2117. — A Bill for an Act to amend and reenact subsection 1 of section 52-06-02 and subsection 4 of section 52-06-01 of the North Dakota Century Code, relating to disqualification and eligibility for unemployment compensation benefits.

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. #M			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Adams moved that the Conference Committee Report on Senate Bill No. 2152 as printed on page 1729 of the Senate Journal be adopted, which motion prevailed.

Senator Adams moved that the rules be suspended, that Senate Bill No. 2152 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2152. — A Bill for an Act to create and enact a new subsection to section 50-01-09 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the powers and duties of

county social service boards and the social service board of North Dakota.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

Senator Adams moved that the conference committee report on Senate Bill No. 2249 as printed on pages 1730 - 1734 of the Senate Journal be adopted, which motion lost.

Senator Goodman moved that the President appoint a new committee of three to act with a like committee from the House as a conference committee on Senate Bill No. 2249, which motion prevailed.

APPOINTMENT OF NEW CONFERENCE COMMITTEE

The President appointed as a new conference committee on Senate Bill No. 2249:

- Senator Adams, Chairman
- Senator Goodman
- Senator Barth

Senator Tennefos moved that the Conference Committee Report on Senate Bill No. 2363 as printed on pages 1734 - 1736 of the Senate Journal be adopted, which motion prevailed.

Senator Tennefos moved that the rules be suspended, that Senate Bill No. 2363 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2363. — A Bill for an Act to create and enact a new subsection to section 39-01-15, a new subsection to section 39-06.1-06, a new subsection to section 39-10-48, and a new subsection to section 39-10-50 of the North Dakota Century Code, relating to parking spaces designated for use by physically handicapped persons on state charitable or penal institution property or on the state capitol grounds, authority of law enforcement officers to enforce traffic and parking violations on state charitable and penal institution property and on the state capitol grounds, to fees assessed for violations, and to envelopes for traffic and parking violations on state charitable and penal institution property or on the state capitol grounds.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

Senator Melland moved that the Conference Committee Report on Senate Bill No. 2404 as printed on page 1737 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2404 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2404. — A Bill for an Act to establish a higher education study commission and to provide for its membership, duties, responsibilities, and administrative procedures.

Which has been read.

ROLL CALL

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

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

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

Senator Parker moved that the Conference Committee Report on House Bill No. 1189 as printed on pages 1678 - 1680 of the Senate Journal be adopted, which motion prevailed.

Senator Parker moved that the rules be suspended, that House Bill No. 1189 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1189. — A Bill for an Act to create and enact subsections 12, 13, and 14 to section 43-15-10 and a new section to chapter 43-15 of the North Dakota Century Code, relating to powers of the board of pharmacy and to disciplinary penalties for pharmacists; and to amend and reenact subsection 1 of section 43-15-10 of the North Dakota Century Code, relating to powers of the board of pharmacy.

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								
YEAS			N-V			NAYS			YEAS			N-V			NAYS		
● ADAMS			● GROTBERG			● NELSON			● STREIBEL								
● ALBERS			● HANSON			● NETHING			● STROMME								
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON								
● BARTH			● ISZLER			● PARKER			● TENNEFOS								
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE								
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY								
● CHRISTENSEN, R. #34			● LEIBHAN			● REDLIN			● TWETEN								
● CUSSONS			● LIPS			● REITEN			● VOSPER								
● DOTZENROD			● LODDEN			● ROEN			● WALSH								
● DYKSHOORN			● MELLAM			● 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 Holmberg moved that the Conference Committee Report on House Bill No. 1231 as printed on page 1680 of the Senate Journal be adopted, which motion prevailed.

Senator Holmberg moved that the rules be suspended, that House Bill No. 1231 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1231. — A Bill for an Act to amend and reenact section 16-01-11 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

Which has been read.

ROLL CALL

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

REGULAR SESSION									1981 LEGISLATURE								
YEAS			N-V			NAYS			YEAS			N-V			NAYS		
● ADAMS			● GROTBERG			● NELSON			● STREIBEL								
● ALBERS			● HANSON			● NETHING			● STROMME								
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON								
● BARTH			● ISZLER			● PARKER			● TENNEFOS								
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE								
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY								
● CHRISTENSEN, R. #34			● LEIBHAN			● REDLIN			● TWETEN								
● CUSSONS			● LIPS			● REITEN			● VOSPER								
● DOTZENROD			● LODDEN			● ROEN			● WALSH								
● DYKSHOORN			● MELLAM			● 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 Solberg moved that the Conference Committee Report on House Bill No. 1563 as printed on pages 1738, 1739 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the rules be suspended, that House Bill No. 1563 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1563. — A Bill for an Act to establish a capitol arts and historic preservation advisory committee and to provide procedures and duties.

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 4, absent and not voting 1.

REGULAR SESSION									1981 LEGISLATURE								
YEAS			N-V			NAYS			YEAS			N-V			NAYS		

NORTH DAKOTA SENATE

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			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL		●	● TIERNEY		
● CHRISTENSEN, R. JM			● 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.

MESSAGE FROM THE HOUSE
House Chamber

Mr. President: I have the honor to inform you of the following changes in House conferees on House Bills 1060, 1061, and 1225, and Senate Bill 2078.

On House Bill 1060 and 1061, Rep. Heigaard replaces Rep. E. Pomeroy.

On House Bill 1225, Rep. Heigaard replaces Rep. Matchie, and on Senate Bill 2078, Rep. E. Pomeroy replaces Rep. Matchie.

Very respectfully

ROY GILBREATH, Chief Clerk

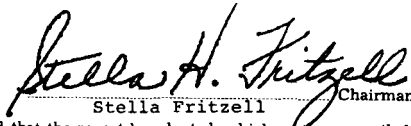
Report of Procedural Committee

MR. PRESIDENT:

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

- Senate Bill No. 2035
- Senate Bill No. 2130
- Senate Bill No. 2196
- Senate Bill No. 2207
- Senate Bill No. 2262
- Senate Bill No. 2313
- Senate Bill No. 2314
- Senate Bill No. 2355
- Senate Bill No. 2399
- Senate Concurrent Resolution No. 4027

and find the same correctly { Enrolled


Stella Fritzell, Chairman

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

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

The Senate reconvened, with President Sands presiding.

MESSAGE FROM THE HOUSE
House Chamber

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

- Senate Bill No. 2001
- Senate Bill No. 2002
- Senate Bill No. 2004
- Senate Bill No. 2006
- Senate Bill No. 2008
- Senate Bill No. 2013

Senate Bill No. 2014
 Senate Bill No. 2015
 Senate Bill No. 2016
 Senate Bill No. 2017
 Senate Bill No. 2019
 Senate Bill No. 2020
 Senate Bill No. 2022
 Senate Bill No. 2023
 Senate Bill No. 2025
 Senate Bill No. 2028
 Senate Bill No. 2029
 Senate Bill No. 2030
 Senate Bill No. 2031
 Senate Bill No. 2032
 Senate Bill No. 2033
 Senate Bill No. 2034
 Senate Bill No. 2036
 Senate Bill No. 2037
 Senate Bill No. 2092

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2001

On page 2 of the engrossed bill, line 10, delete the numerals "2,236,716" and insert in lieu thereof the numerals "1,954,654"

On page 2 of the engrossed bill, line 11, delete the numerals "1,440,819" and insert in lieu thereof the numerals "1,364,209"

On page 2 of the engrossed bill, line 12, delete the numerals "22,440" and insert in lieu thereof the numerals "10,700"

On page 2 of the engrossed bill, line 13, delete the numerals "3,699,975" and insert in lieu thereof the numerals "3,329,563"

On page 2 of the engrossed bill, line 14, delete the numerals "8,506,351" and insert in lieu thereof the numerals "8,135,939"

On page 2 of the engrossed bill, delete lines 15 through 25

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the salaries and wages line item of the Legislative Council by \$63,921 which represents the amount included to fund a noncontributory retirement program for state employees. Salaries and wages are also reduced by \$218,141 to delete the staff included to implement a legislative budget including four fiscal analysts, a secretary, and a part-time data processing person.

This amendment also reduces the operating expenses by \$76,610 and equipment by \$11,740 which also were funds included to implement a legislative budget.

HOUSE AMENDMENTS TO SENATE BILL NO. 2002

On page 1, line 8, after the first comma insert the following: "and from special funds," and delete the numerals "2,075,000" and insert in lieu thereof the numerals "675,000"

On page 1, line 9, after the comma insert the following: "and \$1,200,000, or so much thereof as may be necessary, from the capitol building fund in the state treasury,"

On page 1, line 12, after the period insert the following new sentence: "The appropriation from the capitol building fund

shall not be subject to the provisions of chapter 48-10."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation to the Legislative Assembly for innovation of the legislative wing by \$200,000 reflecting a decrease in the amount estimated necessary for purchase and installation of electronic voting equipment from \$500,000 to \$300,000. This amendment also provides that \$1,200,000 of the total \$1,875,000 appropriation be appropriated from the capitol building fund and that \$675,000 be appropriated from the state general fund.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

- On page 1 of the engrossed bill, line 17, delete the numerals "878,488" and insert in lieu thereof the numerals "848,675"
 - On page 1 of the engrossed bill, delete lines 23 and 24
 - On page 1 of the engrossed bill, line 28, delete the numerals "4,537,292" and insert in lieu thereof the numerals "3,207,479"
 - On page 2 of the engrossed bill, line 2, delete the numerals "4,112,292" and insert in lieu thereof the numerals "2,782,479"
 - On page 2 of the engrossed bill, line 7, delete the numerals "6,845,907" and insert in lieu thereof the numerals "5,516,094"
 - On page 2 of the engrossed bill, line 9, delete the numerals "7,270,907" and insert in lieu thereof the numerals "5,941,094"
 - On page 2 of the engrossed bill, delete lines 15 through 29
- And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Board of Higher Education is reduced by \$29,813 in general funds which is the amount for the noncontributory retirement program.

This amendment also deletes the \$300,000 included as scientific research matching funds and the \$1,000,000 included for handicapped accessibility capital improvements at the institutions of higher education.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006

- On page 1 of the engrossed bill, line 15, delete the numerals "2,096,408" and insert in lieu thereof the numerals "2,027,794"
 - On page 1 of the engrossed bill, line 21, delete the numerals "23,304,695" and insert in lieu thereof the numerals "23,236,081"
 - On page 1 of the engrossed bill, line 22, delete the numerals "9,134,485" and insert in lieu thereof the numerals "9,096,061"
 - On page 1 of the engrossed bill, line 23, delete the numerals "14,170,210" and insert in lieu thereof the numerals "14,140,020"
 - On page 2 of the engrossed bill, delete lines 11 through 20
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced \$68,614, of which \$30,190 is from the general fund and \$38,424 is estimated income, to delete funds for the noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008

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- On page 1 of the engrossed bill, line 14, delete the numerals "1,212,857" and insert in lieu thereof the numerals "1,161,816"
- On page 1 of the engrossed bill, line 15, delete the numerals "360,492" and insert in lieu thereof the numerals "357,513"
- On page 1 of the engrossed bill, line 17, delete the numerals "1,837,149" and insert in lieu thereof the numerals "1,783,129"
- On page 1 of the engrossed bill, line 18, delete the numerals "640,660" and insert in lieu thereof the numerals "640,458"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,196,489" and insert in lieu thereof the numerals "1,142,671"
- On page 1 of the engrossed bill, delete lines 20 through 27
- On page 2 of the engrossed bill, delete lines 1 and 2
- And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes \$39,007 from the salaries and wages line item of the Division of Independent Study which represents the amount included for a noncontributory retirement program for state employees. The salaries and wages line item is also reduced by \$9,498 to delete a .2 FTE German, Russian, and French teacher position and by \$2,536 to delete a .05 FTE Spanish instructor position. Of the total \$51,041 reduction in salaries, \$41,601 is general funds and \$9,440 is other funds.

The operating expenses line item of the Division of Independent Study is reduced by \$2,979, of which \$1,927 is general funds and \$1,052 is other funds to provide for nine percent rather than 10 percent inflationary increases for each year of the next biennium.

The estimated income line is increased by \$10,290. This increase, as well as the \$6,000 increase in fees included by the executive budget and a \$25,000 increase in the estimated income line included by the Senate, totals \$41,290. It is the intent that a 25 percent increase or \$1 per credit hour in the fee charged for educational services would generate approximately \$41,290 in additional income to independent study.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

- On page 1 of the engrossed bill, line 13, delete the numerals "193,524" and insert in lieu thereof the numerals "150,314"
- On page 1 of the engrossed bill, line 17, delete the numerals "426,694" and insert in lieu thereof the numerals "383,484"
- And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Indian Affairs Commission is reduced by \$6,050 to delete funds for a noncontributory retirement plan and is further reduced by \$37,160 to delete funds for a 1.0 FTE new position (research analyst). The total reduction to the salaries and wages line item is \$43,210.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

- On page 1 of the engrossed bill, line 13, delete the numerals "309,563" and insert in lieu thereof the numerals "299,632"
- On page 1 of the engrossed bill, line 16, delete the numerals "365,128" and insert in lieu thereof the numerals "355,197"
- And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Department of Veterans' Affairs is reduced by \$9,931 from the general fund to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

On page 1 of the engrossed bill, line 13, delete the numerals "1,757,124" and insert in lieu thereof the numerals "1,700,721"

On page 1 of the engrossed bill, line 17, delete the numerals "2,354,666" and insert in lieu thereof the numerals "2,298,263"

On page 2 of the engrossed bill, delete lines 4 through 13

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the State Laboratories Department is reduced by \$56,403 from the general fund to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

On page 1 of the engrossed bill, line 14, delete the numerals "312,480" and insert in lieu thereof the numerals "303,199"

On page 1 of the engrossed bill, line 19, delete the numerals "4,486,612" and insert in lieu thereof the numerals "4,477,331"

On page 1 of the engrossed bill, line 20, delete the numerals "2,831,320" and insert in lieu thereof the numerals "2,825,649"

On page 1 of the engrossed bill, line 21, delete the numerals "1,655,292" and insert in lieu thereof the numerals "1,651,682"

On page 1 of the engrossed bill, delete lines 22 through 28

On page 2 of the engrossed bill, delete lines 1 through 4

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the salaries and wages line item of the Aeronautics Commission by \$9,281 of which \$3,610 is general fund moneys and \$5,671 is other funds. This represents the amount included to fund a state employee noncontributory retirement program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

On page 1 of the engrossed bill, line 14, delete the numerals "332,229" and insert in lieu thereof the numerals "327,097"

On page 1 of the engrossed bill, line 19, delete the numerals "3,651,090" and insert in lieu thereof the numerals "3,645,958"

On page 1 of the engrossed bill, line 20, delete the numerals "2,678,358" and insert in lieu thereof the numerals "2,776,013"

On page 1 of the engrossed bill, line 21, delete the numerals "972,732" and insert in lieu thereof the numerals "869,945"

On page 2 of the engrossed bill, delete lines 3 through 12

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Weather Modification Board is reduced by \$5,132, of which \$2,787 is from the general fund and \$2,345 is from other funds, to delete funds for a non-contributory retirement plan.

Also, the total general fund appropriation amount is decreased by \$100,000 with a corresponding increase of \$100,000 to the estimated income line item. This will increase the amounts that county weather modification authorities will need to pay for weather modification operations.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

On page 1 of the engrossed bill, line 13, delete the numerals "427,112" and insert in lieu thereof the numerals "414,534"

On page 1 of the engrossed bill, line 17, delete the numerals "491,649" and insert in lieu thereof the numerals "479,071"

On page 1 of the engrossed bill, delete lines 18 through 27

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment decreases the salaries and wages line item of the Securities Commissioner by \$12,578. This net decrease resulted from an increase of \$20,649 to upgrade three positions, by deleting \$21,610 for a new secretarial position included in the Governor's budget and allowed by the Senate and a net decrease in fringe benefits of \$11,617 which included the reduction for amounts included for the noncontributory retirement program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

On page 1 of the engrossed bill, line 14, delete the numerals "292,831" and insert in lieu thereof the numerals "283,506"

On page 1 of the engrossed bill, line 17, delete the numerals "363,447" and insert in lieu thereof the numerals "354,122"

On page 1 of the engrossed bill, line 19, delete the numerals "310,447" and insert in lieu thereof the numerals "301,122"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the State Fire Marshal is reduced by \$9,325 from the general fund to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

On page 1 of the engrossed bill, line 13, delete the numerals "308,138" and insert in lieu thereof the numerals "298,060"

On page 1 of the engrossed bill, line 16, delete the numerals "497,511" and insert in lieu thereof the numerals "487,433"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Livestock Sanitary Board is reduced by \$10,078 from the general fund to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023

On page 1 of the engrossed bill, line 3, after the word

"Dakota" and before the period insert the following:
"; and to amend and reenact section 4-18.1-04 of the
North Dakota Century Code, relating to the per diem
reimbursement of members of the milk stabilization board"

On page 1 of the engrossed bill, line 13, delete the numerals
"258,708" and insert in lieu thereof the numerals
"250,293"

On page 1 of the engrossed bill, line 14, delete the numerals
"152,176" and insert in lieu thereof the numerals
"156,886"

On page 1 of the engrossed bill, line 17, delete the numerals
"418,806" and insert in lieu thereof the numerals
"415,101"

On page 1 of the engrossed bill, after line 25, insert the
following:

"SECTION 3. AMENDMENT. Section 4-18.1-04 of the
North Dakota Century Code is hereby amended and reenacted
to read as follows:

4-18.1-04. MILK STABILIZATION BOARD.

1. There is hereby created a milk stabilization board to consist of five members, who shall be appointed by the governor. The board shall consist of one person who is a dairy farmer selling to a processor, who shall be selected by the governor from two names submitted to him by the North Dakota milk producers association; one person who is a processor, who shall be selected by the governor from two names submitted to him by the North Dakota dairy industries association; one person who is a retailer, who shall be selected by the governor from two names submitted to him by the North Dakota association of food retailers; and two persons shall be selected by the governor who are consumers, and who are not otherwise engaged in the milk business. No appointee shall have held elective or appointive public office during the period of two years immediately preceding his appointment and no appointee shall hold any other public office, either elective or appointive, during his term of office as a member of the milk stabilization board; and not more than three members of the said milk stabilization board shall, at the time of the appointment or thereafter during their respective terms of office, be members of the same congressional district.
2. The members of said milk stabilization board shall be appointed within thirty days after passage and approval of this chapter. The term of office of one member shall expire on July 1, 1968; the term of office of one member shall expire on July 1, 1969; the term of office of one member shall expire on July 1, 1970; the term of office of one member shall expire on July 1, 1971; the term of office of one member shall expire on July 1, 1972; and each succeeding member shall hold his office for a term of five years and until his successor shall have been appointed and qualified. Any vacancy shall be filled by appointment by the governor as heretofore stated.
3. Three members of the board shall constitute a quorum for the regular transaction of business. The board shall choose one of its members as

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the chairman, who shall hold office as a chairman for one year; provided, election as chairman shall not interfere with the member's right to vote on all matters before the board.

4. Each member of the board shall receive ~~twenty-five~~ fifty dollars per diem for each day actually spent in the performance of his official duties, plus mileage and expenses as are allowed to other state officers, but in no event shall a member's per diem payments exceed fifteen hundred dollars in any one year.
5. Each member of the board shall give bond conditioned for the faithful performance of his duties in the manner required by law in the sum of five thousand dollars.
6. The board shall employ an executive secretary who shall serve under the direction and at the pleasure of the board and whose qualifications, and duties, and compensation shall be determined by the board. The executive secretary shall serve as financial officer of the board and shall be authorized to accept money paid to the board in accordance with this chapter. Before entering upon the discharge of his duties, he shall execute and file a bond in an amount as may be fixed by the board or as may be provided by law for public officers.
7. The board shall employ, in addition to the executive secretary, such assistants and employees, permanent and temporary, as may be necessary to carry out the duties and responsibilities of the board under the provisions of this chapter. The board shall determine the qualifications, duties and compensation of such employees. The board may employ a licensed attorney of the state of North Dakota as its legal counsel, who shall serve on a full-time or a part-time basis, and the board may obtain the services of such additional attorneys as it deems necessary. The board may also contract for auditing, economic research, and other technical services, whenever it determines that such services are needed.
8. All expenditures under this chapter shall be paid from the receipts hereunder. Meetings of the board shall be ~~had~~ held at least every sixty days at the call of the chairman or a majority of the board."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Milk Stabilization Board is reduced by \$8,415 of special funds to delete funds for a noncontributory retirement plan.

The operating expenses line item of the Milk Stabilization Board is increased to \$156,886 by adding \$4,710 to provide funds for an increase in the per diem reimbursement of board members from \$25 per day to \$50 per day. This amendment also amends Section 4-18.1-04 of the North Dakota Century Code to allow for an increase in the per diem reimbursement of board members to \$50 per day.

- On page 1 of the engrossed bill, line 2, delete the words "business and industrial development department" and insert in lieu thereof the words "economic development commission"
- On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the following: "; and providing for a transfer"
- On page 1 of the engrossed bill, line 10, delete the word "business"
- On page 1 of the engrossed bill, line 11, delete the words "and industrial development department" and insert in lieu thereof the words "economic development commission"
- On page 1 of the engrossed bill, line 15, delete the numerals "1,138,172" and insert in lieu thereof the numerals "879,006"
- On page 1 of the engrossed bill, line 16, delete the numerals "1,321,296" and insert in lieu thereof the numerals "1,231,796"
- On page 1 of the engrossed bill, line 18, delete the numerals "33,875" and insert in lieu thereof the numerals "7,500"
- On page 1 of the engrossed bill, line 19, delete the numerals "2,494,843" and insert in lieu thereof the numerals "2,119,802"
- On page 1 of the engrossed bill, line 20, delete the numerals "1,269,767" and insert in lieu thereof the numerals "1,260,676"
- On page 1 of the engrossed bill, line 21, delete the numerals "1,225,076" and insert in lieu thereof the numerals "859,126"
- On page 2 of the engrossed bill, delete lines 9 through 18 and insert in lieu thereof the following:

"SECTION 4. TRANSFER. The estimated income included in section 1 of this Act is a transfer of \$1,260,676 from the state highway fund to the economic development commission. The funds shall be transferred from the state highway fund to the economic development commission operating fund as directed by the office of the budget during the biennium beginning July 1, 1981, and ending June 30, 1983."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Economic Development Commission is reduced by \$259,166. The \$259,166 consists of a reduction of \$26,723, \$17,632 from the general fund and \$9,091 from special funds, to delete funds for a noncontributory retirement plan; and a reduction of \$232,443 from the general fund to delete funding for the following positions: marketing specialist, secretary, industrial development specialist, and an industrial development analyst.

The operating expenses line item is reduced by \$89,500 from the general fund for those operating expenses associated with the deleted positions.

The equipment line item is reduced by \$26,375 from the general fund for the equipment associated with the deleted positions.

The amendment changes references to the Business and Industrial Development Department to read Economic Development Commission to reflect the name change in the department proposed by House Bill No. 1443.

Section 4 allows for the transfer of \$1,260,676 from the state highway fund to the Economic Development Commission operating fund to be used for those expenses related to the travel division, whose duties and personnel are transferred to the Economic Development Commission by House Bill No. 1443.

- On page 1 of the engrossed bill, line 17, delete the numerals "6,933,653" and insert in lieu thereof the numerals "6,860,521"
- On page 1 of the engrossed bill, line 20, underscore the numerals "867,723"
- On page 1 of the engrossed bill, delete line 21
- On page 1 of the engrossed bill, line 22, delete the numerals "9,777,437" and insert in lieu thereof the numerals "9,634,305"
- On page 1 of the engrossed bill, line 24, delete the numerals "9,547,833" and insert in lieu thereof the numerals "9,404,701"
- On page 1 of the engrossed bill, line 27, delete the numerals "243,798" and insert in lieu thereof the numerals "238,935"
- On page 2 of the engrossed bill, line 3, delete the numerals "483,342" and insert in lieu thereof the numerals "478,479"
- On page 2 of the engrossed bill, line 5, delete the numerals "396,850" and insert in lieu thereof the numerals "391,987"
- On page 2 of the engrossed bill, line 6, delete the numerals "9,944,683" and insert in lieu thereof the numerals "9,796,688"
- On page 2 of the engrossed bill, line 8, delete the numerals "10,260,779" and insert in lieu thereof the numerals "10,112,784"
- On page 3 of the engrossed bill, delete lines 1 through 14
- On page 3 of the engrossed bill, after line 14, insert the following:

"SECTION 5. VACANT POSITIONS. The moneys herein appropriated for salaries and wages and allocated for positions which subsequently become vacant shall not be expended except for paying the salaries or wages of persons employed to fill such vacant positions."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Highway Patrol

The salaries and wages line item for the Highway Patrol is reduced by \$73,132 to delete funds for a noncontributory retirement plan. Of this total, \$23,325 is to delete retirement funds for employees under the PERS plan, and \$49,807 is to reduce the increase in the state's contribution for Highway Patrol retirement from four percent to three percent. The salaries and wages line item amount of \$6,860,521 includes \$149,521 for the three percent increase in the state contribution for Highway Patrol retirement, pursuant to House Bill No. 1161.

The separate line item of \$70,000 for Highway Patrol retirement is deleted.

Law Enforcement Training Center

The salaries and wages line item for the Law Enforcement Training Center is reduced by \$4,863 to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2029

- On page 1 of the engrossed bill, line 15, delete the numerals "60,518,845" and insert in lieu thereof the numerals "59,017,618"
- On page 1 of the engrossed bill, line 18, delete the numerals "7,678,636" and insert in lieu thereof the numerals "6,697,005"
- On page 1 of the engrossed bill, line 19, delete the numerals "11,492,900" and insert in lieu thereof the numerals "8,332,900"

- On page 1 of the engrossed bill, line 24, delete the numerals "287,121,582" and insert in lieu thereof the numerals "281,478,724"
- On page 1 of the engrossed bill, line 25, delete the numerals "285,723,006" and insert in lieu thereof the numerals "281,084,224"
- On page 1 of the engrossed bill, line 26, delete the numerals "1,398,576" and insert in lieu thereof the numerals "394,500"
- On page 2 of the engrossed bill, delete lines 7 through 16 and insert in lieu thereof the following new section:

"SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$437,500 included in the estimated income line item in section 1 of this Act from the transfer of excess funds in the abandoned motor vehicle disposal fund pursuant to the provisions of Senate Bill No. 2079 be used for the intermodal and rail planning program."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced \$1,501,227 to delete funds for the noncontributory retirement plan. The equipment line item is reduced \$981,631 to delete funds for a new aircraft. The grants, benefits, and claims line item is reduced \$3,160,000 of which \$1,004,076 is from the general fund and \$2,155,924 is estimated income for the intermodal and rail planning program. The appropriation as amended provides \$3,832,881, of which \$394,500 is from the general fund and \$3,000,881 is federal funds and \$437,500 is funds from the abandoned motor vehicle disposal fund, for the intermodal and rail planning program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO 2030

- On page 1 of the engrossed bill, line 15, delete the numerals "458,396" and insert in lieu thereof the numerals "446,064"
- On page 1 of the engrossed bill, line 18, delete the numerals "588,678" and insert in lieu thereof the numerals "576,346"
- On page 1 of the engrossed bill, line 19, delete the numerals "233,770" and insert in lieu thereof the numerals "228,800"
- On page 1 of the engrossed bill, line 20, delete the numerals "354,908" and insert in lieu thereof the numerals "347,546"
- On page 2 of the engrossed bill, delete lines 1 through 10

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Upper Great Plains Transportation Institute is reduced by \$12,332, of which \$7,362 is from the general fund and \$4,970 is from other funds, to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2031

- On page 1 of the engrossed bill, line 14, delete the numerals "1,720,266" and insert in lieu thereof the numerals "1,669,198"
- On page 1 of the engrossed bill, line 23, delete the numerals "4,415,076" and insert in lieu thereof the numerals "4,364,008"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Motor Vehicle Department is reduced by \$51,068 to delete funds for the noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2032

On page 1 of the engrossed bill, line 14, delete the numerals "833,275" and insert in lieu thereof the numerals "805,782"

On page 1 of the engrossed bill, line 20, delete the numerals "1,281,413" and insert in lieu thereof the numerals "1,253,920"

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Land Commission is reduced by \$27,493 from special funds to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2033

On page 1 of the engrossed bill, line 18, delete the numerals "48,000" and insert in lieu thereof the numerals "46,558"

On page 1 of the engrossed bill, line 22, delete the numerals "105,800" and insert in lieu thereof the numerals "104,358"

On page 1 of the engrossed bill, line 26, delete the numerals "4,770,845" and insert in lieu thereof the numerals "4,621,341"

On page 2 of the engrossed bill, line 3, delete the numerals "9,445,971" and insert in lieu thereof the numerals "9,296,467"

On page 2 of the engrossed bill, line 7, delete the numerals "8,483,927" and insert in lieu thereof the numerals "8,247,449"

On page 2 of the engrossed bill, line 10, delete the numerals "15,070,951" and insert in lieu thereof the numerals "14,834,473"

On page 2 of the engrossed bill, line 11, delete the numerals "24,622,722" and insert in lieu thereof the numerals "24,235,298"

On page 2 of the engrossed bill, line 12, delete the numerals "24,622,722" and insert in lieu thereof the numerals "24,235,298"

On page 2 of the engrossed bill, delete lines 13 through 27

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes \$1,442 from the salaries and wages line item of the Industrial Commission, \$149,504 from the salaries and wages line item of the Bank of North Dakota and \$236,478 from the salaries and wages line item of the Mill and Elevator Association. These amounts, which are all special funds, represent funds included for the state employee noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2034

On page 1 of the engrossed bill, line 18, delete the numerals "457,157" and insert in lieu thereof the numerals "442,056"

On page 1 of the engrossed bill, line 23, delete the numerals "1,601,257" and insert in lieu thereof the numerals "1,586,156"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes \$15,101 from the salaries and wages line item of the Public Employees Retirement Board which represents the amount included to fund the state employee noncontributory retirement program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2036

- On page 1 of the engrossed bill, line 16, delete the numerals "24,566,555" and insert in lieu thereof the numerals "24,491,239"
- On page 1 of the engrossed bill, line 19, delete the numerals "31,594,872" and insert in lieu thereof the numerals "31,519,556"
- On page 1 of the engrossed bill, line 22, delete the numerals "298,647" and insert in lieu thereof the numerals "296,296"
- On page 1 of the engrossed bill, line 25, delete the numerals "452,688" and insert in lieu thereof the numerals "450,337"
- On page 2 of the engrossed bill, line 1, delete the numerals "62,741" and insert in lieu thereof the numerals "60,782"
- On page 2 of the engrossed bill, line 4, delete the numerals "476,591" and insert in lieu thereof the numerals "474,632"
- On page 2 of the engrossed bill, line 5, delete the numerals "32,524,151" and insert in lieu thereof the numerals "32,444,525"
- On page 2 of the engrossed bill, delete lines 24 through 35
- On page 3 of the engrossed bill, delete lines 1 through 3
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Job Service

The salaries and wages line item is reduced \$75,316 to delete funds for the noncontributory retirement plan.

OASIS and Social Security

The salaries and wages line item is reduced \$2,351 to delete funds for the noncontributory retirement plan.

Displaced Homemaker Program

The salaries and wages line item is reduced \$1,959 to delete funds for the noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2037

- On page 1 of the engrossed bill, line 16, delete the numerals "2,835,729" and insert in lieu thereof the numerals "2,746,404"
- On page 1 of the engrossed bill, line 21, delete the numerals "4,042,422" and insert in lieu thereof the numerals "3,953,097"
- On page 2 of the engrossed bill, delete lines 9 through 18
- And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Workmen's Compensation Bureau is reduced by \$89,325 to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2092

- 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 amend and reenact subsection 2 of section 15-60-03 of the North Dakota Century Code, relating to the value of property for determining the maximum limit of indebtedness; and to provide an appropriation for the state school construction fund."

JOURNAL OF THE SENATE

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

SECTION 1. AMENDMENT. Subsection 2 of section 15-60-03 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts, and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board shall at no time enter into any contract with a school district under the provisions of this chapter, unless such school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district from the fund and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The levy required by this section for repayment must be maintained over the life of the contract with the board, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of taxable property means twice the net value of all taxable property in the school district rather than six times such value as provided in subsection 4 of section 21-03-01.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the state school construction fund for the purpose of constructing and improving public school buildings and furnishing and equipping the same."

And renumber the lines and pages accordingly

MESSAGE TO THE HOUSE
Senate Chamber

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

Senate Concurrent Resolution No. 4088

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2021
Senate Bill No. 2061
Senate Bill No. 2068
Senate Bill No. 2118
Senate Bill No. 2135
Senate Bill No. 2142
Senate Bill No. 2149

Senate Bill No. 2184
Senate Bill No. 2187
Senate Bill No. 2202
Senate Bill No. 2230
Senate Bill No. 2247
Senate Bill No. 2274
Senate Bill No. 2301
Senate Bill No. 2308
Senate Bill No. 2322
Senate Bill No. 2338
Senate Bill No. 2356
Senate Bill No. 2377
Senate Bill No. 2419
Senate Bill No. 2424
Senate Concurrent Resolution No. 4002
Senate Concurrent Resolution No. 4004
Senate Concurrent Resolution No. 4008
Senate Concurrent Resolution No. 4043
Senate Concurrent Resolution No. 4085

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2021
Senate Bill No. 2061
Senate Bill No. 2068
Senate Bill No. 2118
Senate Bill No. 2135
Senate Bill No. 2142
Senate Bill No. 2149
Senate Bill No. 2184
Senate Bill No. 2187
Senate Bill No. 2202
Senate Bill No. 2230
Senate Bill No. 2247
Senate Bill No. 2274
Senate Bill No. 2301
Senate Bill No. 2308
Senate Bill No. 2322
Senate Bill No. 2338
Senate Bill No. 2356
Senate Bill No. 2377
Senate Bill No. 2419
Senate Bill No. 2424
Senate Concurrent Resolution No. 4002
Senate Concurrent Resolution No. 4004
Senate Concurrent Resolution No. 4008
Senate Concurrent Resolution No. 4043
Senate Concurrent Resolution No. 4085

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

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1020

House Bill No. 1306
House Bill No. 1357

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following on which the Senate has adopted the conference committee report:

House Bill No. 1132
House Bill No. 1230

and the President has appointed as a new conference committee on:

House Bill No. 1132

Senators:

Senator Cussons
Senator Peterson
Senator Grotberg
House Bill No. 1230

Senators:

Senator Tennefos
Senator Quail
Senator Grotberg
Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1004
House Bill No. 1008
House Bill No. 1011
House Bill No. 1013

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the conference committee report on Senate Bill No. 2249 was not adopted, and the President has appointed a new conference committee on Senate Bill No. 2249 as follows:

Senator Adams
Senator Goodman
Senator Barth
Very respectfully

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1050

Senators:

Senator Peterson
Senator Grotberg
Senator Stromme

Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to Senate Bill No. 2394 and now wishes to inform you that it does concur in the House amendments to Senate Bill No. 2394, and

subsequently passed the same and has dissolved the Senate conference committee on Senate Bill No. 2394.

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2204

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

Senate Bill No. 2204

Senators:

Senator Erickson

Senator Tennefos

Senator Lashkowitz

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed:

Senate Bill No. 2117

Senate Bill No. 2127

Senate Bill No. 2152

Senate Bill No. 2160

Senate Bill No. 2213

Senate Bill No. 2228

Senate Bill No. 2286

Senate Bill No. 2363

Senate Bill No. 2374

Senate Bill No. 2404

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed:

House Bill No. 1177

House Bill No. 1189

House Bill No. 1231

House Bill No. 1563

Very respectfully,

LEO LEIDHOLM, Secretary

Report of Procedural Committee

MR. PRESIDENT:

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


Senate Bill No. 2214

Senate Bill No. 2233

Senate Bill No. 2323

and find the same correctly

Enrolled



Stella H. Fritzell
Stella Fritzell Chairman

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

MOTION

Senator Nething moved that the select committee report regarding Senate Resolution No. 1 be placed at the head of the calendar, which motion prevailed.

Senator Barth requested that his statement concerning the investigation on the Insurance Department be printed in the Journal, which request was granted.

STATEMENT OF SENATOR BARTH

Mr. President and Members of the Senate: Yesterday, March 25th, the North Dakota Senate received a report from the Select Committee named to investigate the operations of the North Dakota Insurance Department.

The Chairman of that Committee, upon motion of the Senate Majority Leader, offered the report to the Senate for reprinting in the journal. The journal, which we received today, reads as follows: "Mr. President: your Select Committee appointed to investigate operations in the Insurance Commissioner's Office has completed the investigation and has the following report to submit:"

The Chairman then proceeded to read into the journal a lengthy report which was purportedly the report of the Select Committee. However, the report read into the journal was not the same report which was distributed later to members of the Senate and labeled as the report of the Select Committee. In fact, the report read into the journal was signed only by the Committee Chairman.

Mr. President, I am extremely disappointed that the chairman of the committee apparently rejected the report prepared by staff counsel to the committee and prepared instead his own report, which was then read into the journal as the report of the Select Committee. At the conclusion of these remarks, I would like the chairman of the Committee to explain to the body which of the reports is to be the official report of the committee—the one prepared by committee counsel and signed by the committee members, or the one apparently prepared by the chairman himself and read into the journal. This is a serious matter, because the report which is printed in the journal and which we are going to be asked to approve today becomes the official record of the proceedings of this committee, and I want to know before I vote whether we are voting on the report submitted to us in writing on March 25, or the one read into the journal by the committee chairman. If we are voting on the report signed by the committee members, then I would have to ask that the committee chairman's remarks be stricken from the journal as the official record of the committee and the committee report submitted in its place. I will expect an answer to that question at the conclusion of my remarks.

Before I respond to the actual report itself, I want to preface my remarks by saying I will not try to rebut, answer or justify in any way the specific charges and allegations contained in the report because I do not have the information on those charges and allegations which would be of value in trying to respond to them in any knowledgeable way. The purpose of my statement is to dissent from the procedure and process used to arrive at the report delivered to the Senate on March

25, 1981. I do, however, believe that before discussing the provisions of yesterday's report, the senate should consider the following aspect of the former insurance commissioner's record.

Byron Knutson was elected insurance commissioner in 1976. At the end of his first biennium in office, he returned \$89,000 of his budget to the general fund. During his second biennium in office, he requested a budget that was only three percent higher than the previous biennium, the smallest budget increase of any department in state government. And from that budget, he returned \$98,300 to the general fund at the end of the second biennium. That was the highest percentage returned to the general fund of any department in state government. This is not exactly the record of an unethical, dishonest or indiscriminate spender of state tax dollars in running a department.

The remainder of my remarks are being offered for the record as those of the entire minority caucus in this chamber.

The content of the report we received in this assembly yesterday was essentially a list of transgressions, possible unethical practices, possible violations of law, all of which deserved a chance for rebuttal and response by the former insurance commissioner but no opportunity for such testimony was permitted.

An individual, a citizen of North Dakota was held up to the public for ridicule, humiliation, and possible criminal charges with no opportunity to respond in any way. Could any of us in this supposedly open legislative process, imagine taking all the testimony against a bill and then closing the hearing before allowing the bill sponsor or anyone supporting the bill to speak in favor of the measure. That is the travesty and spectacle that the public has paid for over the last few weeks which culminated March 25, 1981 in a report that was a disgrace to the North Dakota Senate and a black mark on honor and integrity of this assembly and its members.

The former insurance commissioner was denied due process of law, denied his basic rights guaranteed in the United States Constitution, denied the right to respond to possibly libelous and defamatory accusations of mismanagement, wrongdoing and possible criminal activities. Because of this, the charges against him stand unrefuted in the committee records.

Consider the following:

1. Testimony was offered to the committee by the former commissioner and by two former department employees to help explain some of the allegedly improper activities being reviewed. None of this testimony was accepted.

2. Rules under which the committee functioned were never made available to interested parties, even upon request, though those rules were used as justification for restricting testimony and threatening contempt citations.

3. Witnesses called before the committee were not shown copies of documents about which they were expected to testify, even upon request.

4. The committee heard that the department hired several people on consulting contracts, but never heard the person responsible for the hiring explain why the hiring was necessary.

Following procedures as they did, the Select Committee was doomed to misunderstanding. That this one committee has failed is perhaps not too important, but the process we have witnessed is important. The ability of a Select Committee to abuse and harass without regard to constitutional guarantees of free speech and due process is not

acceptable.

To protect the integrity of the Senate from future embarrassing displays of power misused, the Senate must consider changing the way such inquiries are handled. To allow this sort of unfair, prejudicial harassment to be part of traditionally open North Dakota government is unfortunate. To allow it to happen again would be unforgivable.

It is for that reason that the following recommendations are included in this report:

RECOMMENDATIONS:

1. Chapter 54-03.2 sets forth the terms, conditions, specifications and requirements of a senate investigation committee. That section says, and I quote from 54-03.2-13, "Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee, and who, in the opinion of the committee may be adversely affected thereby, may, upon his request or upon request of any member of the committee, appear personally before the committee and testify in his own behalf..." Although the law is clear and not ambiguous.

If that guarantee is not strong enough to protect the rights of those involved in this type of investigation, then it should be amended to more clearly spell out the intent of the senate. If there is no way to make the law strong enough to guarantee the rights of individuals, then we should adopt amendments to that section of the code which provide some type of penalty or disciplinary action for committee chairmen who knowingly and willfully violate the provisions of that section.

2. Any individual or individuals subject to investigation under 54-03.2 should be provided legal counsel if any possibility exists that charges and allegations under consideration may involve possible violations of law. This counsel should be provided at state expense, in order to protect the state from possible recrimination for violations of constitutional rights.

3. Duly conducted and legally acceptable investigations by respected and well established units of state government or law enforcement agencies should preclude identical review by the Senate under 54-03.2. This would be to prevent abuse of this power of investigation for political exploitation and limit its use as a means of carrying forth a personal or political vendetta.

4. At the conclusion of any investigation by a Select Senate Committee, a final report should be drafted by staff counsel and should be brought to the committee members for discussion as a committee, section by section. After all sections have been agreed upon by a majority of the committee, any members of the committee who dissent from the majority decisions should be given a reasonable length of time to prepare a minority report. When both the majority and minority reports have been prepared, they should be distributed to individual members of the senate at least one legislative day before they are to be considered by the full body.

5. Section 54-03.2-04 reads, "Each investigating committee shall adopt rules not inconsistent with the law or any applicable rules of the legislature, governing its procedures, including the conduct of hearings." Obviously, rules consistent with legislative procedure were not followed. Obviously, rules consistent with the law were not followed. In any future senate investigation, the committee rules, under which the committee is to function, should be made available to any interested part on request.

LADIES AND GENTLEMEN OF THE SENATE:

It would be difficult, unreasonable and inappropriate for those of us in the minority party to make broad sweeping supportive statements on behalf of the former insurance commissioner, Mr. Byron Knutson. Many of us are not acquainted with him personally and have no idea of how he administered his department or have information relative to the charges leveled against him. We do, however, strongly object to the procedure used to deny a citizen of North Dakota his rights of due process and the lack of fair play and honor displayed by the Senate Investigation Committee in discharging their responsibility to this assembly.

Mr. President, we most heartily dissent from the report offered on March 25, 1981 by the Select Senate Committee on Insurance Department operations.

STATEMENT OF SENATOR STREIBEL, CHAIRMAN
1981 SELECT SENATE COMMITTEE ON
INSURANCE DEPARTMENT OPERATIONS

Senator Streibel: Mr. President, I thought I occupied enough of the Senate's time yesterday and I made a pledge to myself and maybe to some of the members of the Senate that I would be very hesitant to get up again and occupy the Senate's time. But some of the accusations that have been made prod me to reply.

The accusations that have just been placed in verbal presentation before this body would indicate that some of us of the committee are the ones that have attempted flagrant misuse of what are considered to be normal administrative practices in state government. Well, I submit to you I didn't ask for this job of serving on this committee, much more I didn't ask to be chairman of this committee, in fact, I didn't know until ten minutes before the committee was announced from the Senate desk that I would even be on the committee. I never "purported," as the past speaker just used purported, to infer for one minute that my report was anything but just that, my report. It doesn't take much more than 20-20 vision, and I can even read it without my glasses, it states on this cover, "Report of the 1981 Select Senate Committee on Insurance Department Operations." It doesn't take too much judgment to figure out which is the official report of the committee and which was mine.

Accusations such as "abuse and harass" have been stated and I quote "unforgivable." I would submit to the Senate that if you want to talk about what is unforgivable, that the conduct of state officials, occupying a physically being present in an office in the State Capitol Building when they are no longer a state official for 8 hours and 45 minutes on New Years Day, purporting to be conducting business of the state, with telephone calls at 12:03 AM to certain locales, which by coincidence just happens to be the home of the wife of the former state official, what can you conclude. I say that might be construed as harassment of the taxpayer. One thing we can be sure of, its a total waste of taxpayers' money, and if anybody can refute that maybe then we should look at criminal charges. We treated this quite lightly, we were quite benevolent, I thought, in our recommendations to the Senate. We could have come on a lot stronger and maybe we might be enticed to do just that. In fact, I think this thing should be continued during the interim. I think it would be interesting to the taxpayers of North Dakota to know just what kind of investment we got, what kind of rate of return they got on that money that was spent in December. The deeper you dig in this the more intriguing it becomes. I would urge any of you to go down and look at the register on the main floor of the

capitol building for December 31, 1980. That's very interesting, that's where you sign in after business hours. This is where a seven has been made into an eight, where overinscription has been made, where erasures have been made on an official register of the State of North Dakota. If you want to be intrigued, go down and look at that.

If anybody tried to detract by inferring that this committee was created for the single purpose of partisan politics or, as has been used in print many times, a witch hunt, I say that individual, or individuals, are not facing up to the realistic issue which is: are we good stewards of our government; are we good stewards of the portfolio that has been entrusted to us. As you will recall, yesterday we made a general statement, we didn't single anyone out. In fact, we pointed a finger at ourselves as the legislative branch of our government and admonished us to indeed review and take inventory once in a while. That was the gist of the report. In developing it, certainly, we pointed to what we considered to be administrative actions that left something to be desired. But as far as the accusations that we "abused" and we "harassed," I submit that we did not abuse and we did not harass.

We worked this assignment into a very busy schedule, it wasn't easy. We gave an entire weekend to try and assimilate the information and get it into a report form. If any member of this chamber wants to get a challenge, just be appointed to a select committee in the last three weeks of a session that has this type of assignment, it is not easy and not all that much fun. Then to have it capped off by saying that we did have designs of politics and that there were abuses - I think it points up that what we hear at the national level when you turn on the news in the evening, and you hear commentary and editorials that speak to challenge of getting good people to serve in the government, the challenge having the trusted elected officials, I think this points up that if we did indeed sweep this "under the carpet" the people of North Dakota could rightly admonish us in the same vein.

STATEMENT OF SENATOR LODOEN
COMMITTEE MEMBER ON 1981
SELECT SENATE COMMITTEE ON
INSURANCE DEPARTMENT OPERATIONS

Senator Lodoen: Mr. President, I was a member of that select committee and it sounds like there have been no other members on the committee from the press that has come about. It seems like it has been a personal confrontation just between the chairman of the select committee and the former insurance commissioner. That is the only member you have heard. I guess I am a little insulted with some of the reports that have come out because there were other members on that committee and I think we were very respectful of the witnesses that testified. I don't think we harassed anybody on that particular committee, they were asked decent questions and they were asked to respond, they were treated politely. As I recall from the committee we didn't come out with any personal charge against anybody, we did see that there were certain things that did happen in the department that were not done according to Hoyle and good management, and I think the intent of a lot of our committee when we came out with the report, regardless of whether or not it was the insurance commissioner, or whatever commissioner it was, that these people are responsible and we were hoping that the reports we came out with that the current administration in the insurance commissioner's office would take note of some of the things that hadn't been done. It was referred to earlier that the audit that was there had a good number of items that were

suggested for that department to correct, nothing was ever done, no one could find a copy of the audit and it is such as this that I made the recommendation in that committee that I hoped the former and new insurance commissioner would find that audit and start to implement some of the changes that were suggested.

I think we are getting carried away on making this a political type issue, I think this refers to any department here in Bismarck. I guess I am a little distressed with the comments made here, I think the committee did a good job, we had limited time and I would hope we could end this.

MOTION

Senator Nething moved that the Journal be corrected as follows: On page 1710, delete lines 43 through 45 and insert the following:

“Senator Nething moved that the following report of the chairman of the committee to investigate operations in the Insurance Commissioner’s office be printed in the Journal, which motion prevailed.”

REPORT OF SELECT COMMITTEES

Mr.President.....: Your Select Committee appointed to investigate operations in the Insurance Commissioner’s office has completed the investigation and has the following report to submit:

REPORT

of the

1981 SELECT SENATE COMMITTEE

on

INSURANCE DEPARTMENT OPERATIONS

- Senator Bryce Streibel, Chairman
- Senator Phillip Berube
- Senator Perry Grotberg
- Senator Donald Hanson
- Senator Clayton Lodoen
- Senator Duane Mutch
- Senator William Parker

FINAL REPORT OF THE 1981 SELECT SENATE COMMITTEE
ON INSURANCE DEPARTMENT OPERATIONS

1981 Senate Resolution No. 1 created a select Senate committee to investigate the administration and operations of the North Dakota Insurance Department, particularly such operations during the month of December 1980, and directed the committee to submit its report by March 25, 1981.

COMMITTEE PROCEDURES

The committee was composed of seven members: Senators Bryce Streibel, Chairman, Phillip Berube, Perry Grotberg, Donald Hanson, Clayton Lodoen, Duane Mutch, and William Parker. The committee conducted five meetings during the 16 legislative days allotted for its investigation. Testimony was received from former Insurance Department consultants, the State Auditor's staff, and the State Insurance Commissioner. All witnesses testified under oath. In addition, the committee received into evidence the most recent state audit of the Insurance Department, telephone listings for the Insurance Department for the month of December 1980, and related months, listings for certain telephones in the chamber of the House of Representatives, contracts for consultants employed by the Insurance Department during December 1980, employment and travel vouchers for the Insurance Department for the month of December 1980, and related months, the Director of Institutions' Capitol attendance log for the month of December 1980, and a newspaper article dated March 17, 1981, relating to the committee's assignment.

The committee conducted its investigation pursuant to the provisions of Chapter 54-03.2 of the North Dakota Century Code, relating to the conduct of legislative investigations. The committee elected to conduct its meetings openly and to allow television cameras to record the proceedings. The committee also elected to maintain the confidentiality of all materials and documents presented to it until it had concluded its investigation. The committee noted that, under the terms of Chapter 54-03.2, it could not prohibit an affected party from introducing testimony; however, the committee could determine the nature of the testimony and the manner of its presentation.

FINDINGS OF FACT

The investigation of the activities of the Insurance Department was conducted in three primary areas: telephone calls, consultant services, and departmental administration.

The committee requested and received from the Director of Institutions a record of telephone calls made outside normal business hours from the offices of the Insurance Department during the month of December 1980, as well as a listing of the recipients of those calls. The committee also sought and received a copy of the registry containing the names of those persons who visited the Capitol outside the normal working hours during the month of December 1980.

The information provided by the Director of Institutions revealed that a substantial number of the calls were made from Insurance Department offices outside normal working hours, including weekends and holidays, during December 1980. The committee employed a verification procedure in an attempt to determine the nature of these calls. Generally, the verification procedure revealed that: either the people who received the calls did not recall doing so, another party evidently received the call, the party denied receiving any call, or, in a limited number of instances, some aspect of insurance regulation was discussed.

The committee also received into evidence an article which appeared in the March 17, 1981, edition of the Bismarck Tribune

quoting the former Insurance Commissioner as saying that both he and his wife may have made personal calls from departmental telephones. Because of the time constraints placed on the committee, it was unable to verify more than a small number of the telephone calls made from the Insurance Department offices.

The committee also sought information concerning consultants hired by the Insurance Department during December 1980. In an attempt to learn more, the committee, under the authority of Chapter 54-03.2, issued subpoenas for six individuals who served as consultants to the Insurance Department during December 1980. Of the six persons, two were residing outside the state and thus not subject to the committee's jurisdiction. The remaining four people were subpoenaed and testified under oath before the committee. Information provided by the State Auditor's office indicated that not all persons in the employ of the Insurance Department, whether as salaried employees or consultants, were considered qualified to perform their assigned functions. The committee received further information indicating that some of these persons had previously worked in a political capacity for the former Insurance Commissioner.

The committee received information, both oral and written, concerning the consultant contracts. Testimony indicated a general Insurance Department policy of awarding consultant contracts without any form of competition, such as public advertisement or bidding. In the majority of instances studied by the committee, written contracts were issued to the department's consultants. Generally, these contracts were phrased very broadly. In addition, often the contracts were unsigned and, in one instance, the consultant did not know of the existence of a contract until apprised of its existence by the committee. Testimony also indicated the policy of allowing oral amendments to written contracts without subsequently making a written amendment to the contract. Finally, the committee learned that, whether or not pursuant to the terms of the contracts, departmental consultants were at times used to provide regular staff services. In reviewing departmental vouchers, the committee learned that some consultant vouchers were submitted and approved without evidence of a written contract or pursuant to an oral amendment to such contract.

The committee received much evidence relating to the administration of the Insurance Department. Necessarily, much of the information also related to other aspects of the committee's study. For instance, the committee received information indicating that the department spent state moneys on consultants, travel, postage, and supplies in promoting the Saskatchewan health care plan.

Also, the committee learned of a general dearth of information in the Insurance Department relating to consultants final reports and working papers. Some of this information was transferred outside the Insurance Department in the waning days of 1980, while the remainder of the information appears never to have existed.

Finally, the committee received both oral and written evidence that specific recommendations of the State Auditor's office, designed to promote efficiency and reduce operating costs, were not implemented by the former Insurance Commissioner. Evidence revealed that departmental personnel were, in specific instances, deemed unqualified to perform their assigned functions; the department based its decisions on rate requests on inadequate data; departmental records on claims practices were inadequate; the department, presumably because of the lack of records and in-house expertise, levied far fewer penalties against insurance companies and agencies than might have been expected, based on comparable data in other states; and the department spent an inordinate amount of time in processing applications of insurance companies. Testimony by members of the State Auditor's staff indicated that, of the 20 recommendations made to the Insurance Department, none were complied with. The State Auditor's office estimated that implementation of the recommendations would have saved the department a minimum of \$105,000 per year with possible

additional savings for consumers.

CONCLUSIONS AND RECOMMENDATIONS

The committee recommends that a comprehensive state policy relating to telephone calls be adopted. This policy should relate specifically to personal calls from state telephones. It should provide for spot checks of telephone calls by the responsible agency, presumably the Director of Institutions; and it should provide a set of ascertainable penalties for violations. This policy should be well publicized. State officials, employees, and consultants should be made aware that use of state telephones for personal business is not simply another fringe benefit provided by the state.

With respect to the employment of consultants, one must first consider the proper role of the consultants. It is the committee's belief that, generally, consultants should not be retained to provide services normally provided by office staff. Instead, consultants should only be retained in those exceptional situations in which the required expertise is not available in-house. Generally, normal office duties should be performed by employed office personnel, either permanent or temporary. A situation in which consultants must be retained to perform normal office duties indicates a serious morale problem within that office.

As a general policy, all consultant contracts should be written, dated, and signed. Oral amendments to such contracts should not be allowed in any but the most unusual circumstances; and then a written amendment to the contract should be made detailing the essence of the oral agreement. Finally, consultant contracts should be written in clear, concise language specifying as much as possible the duties to be performed.

No voucher should be submitted or approved without written authorization, either in the form of a consultant contract or evidence of employment. Finally, vouchered expenses should have a clear relationship to the department's ostensible purpose.

The committee believes it axiomatic that it is the primary function of all elected and appointed state officials and state employees to serve the interests of the people of this state. Necessarily, in performing this duty, each official and employee must confine his or her actions within the scope of the legal responsibilities of the relevant department or agency. The committee was particularly concerned that the former Insurance Commissioner used his office and state moneys to promote the Saskatchewan health care plan, an issue which presumably had already been decided by the voters of the state. The committee believes the relationship between the promotion of the health care plan and the Insurance Department's presumed objectives to be tenuous at best. At present, North Dakota does not have an office of consumer advocacy. Each official and employee of the state is expected to represent the interests of the people, within the defined parameters of that person's assigned functions. The committee believes the people of this state would be better served by qualified employees performing their assigned functions to the best of their abilities rather than using state moneys to influence public opinion on unrelated matters.

The committee recognizes the value of performance audits of the state departments and agencies by the State Auditor's office. The recommendations stemming from such audits should be implemented by the relevant departments unless specific objections are raised. The Legislative Assembly has a responsibility to ensure that state funds are spent in accordance with legislative appropriation and that taxpayers receive the greatest return for their tax dollars. The State Auditor's office should apprise either the Legislative Council or the Legislative Assembly whenever its performance audit recommendations are not implemented within a reasonable amount of time.

In conclusion, the select Senate committee, although limited by time constraints, discovered certain actions and practices which took place in the Insurance Department during December 1980, and

which the committee considered to be questionable. The committee believes such practices can be eliminated with a few simple precautions, as mentioned above. The committee believes these precautions would prove valuable to other state departments and agencies, as well as the Insurance Department.

Bryce Streibel
Senator Bryce Streibel
Committee Chairman

Stephen D. Little
Stephen D. Little
Committee Counsel

Phillip Berube
Senator Phillip Berube

Larry Grotberg
Senator Larry Grotberg

Donald Hanson
Senator Donald Hanson

Clayton Lodoen
Senator Clayton Lodoen

Duane Mutch
Senator Duane Mutch

William Parker
Senator William Parker

Bryce Streibel
Senator Streibel
Chairman

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

Senator Nething moved that the Senate stand in recess until 3:30 p.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

CONSIDERATION OF CONFERENCE
COMMITTEE REPORTS

Senator Parker moved that the Conference Committee Report on House Bill No. 1484 as printed on page 1738 of the Senate Journal be adopted, which motion prevailed.

Senator Parker moved that the rules be suspended, that House Bill No. 1484 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1484. — A Bill for an Act to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to the penalty for driving while under the influence of intoxicating liquor or controlled substances.

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									1981 LEGISLATURE		
REGULAR SESSION						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			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. FM			● LEIBMAN			● REDLIN	●		● TWETSEN		
● CUSSONS			● LIPS			● REITEN			● YOSPER		
● DOTZNEROD			● LODOEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAAEDEN			● STENEHJEM					

So the bill passed and the title was agreed to.

House Chamber

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

Senate Bill No. 2217

Senate Bill No. 2271

Senate Bill No. 2289

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2217

On page 1 of the reengrossed bill, line 16, delete the word "eleven" and insert in lieu thereof the word "ten"

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

On page 2 of the reengrossed bill, line 6, delete the word "six" and insert in lieu thereof the word "five"

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

On page 2 of the reengrossed bill, line 13, delete the word "seven" and insert in lieu thereof the word "six"

On page 2 of the reengrossed bill, line 15, delete the word "eight" and insert in lieu thereof the word "seven"

On page 2 of the reengrossed bill, line 20, delete the word "eight" and insert in lieu thereof the word "seven"

On page 2 of the reengrossed bill, line 22, delete the word "nine" and insert in lieu thereof the word "eight"

On page 2 of the reengrossed bill, line 27, delete the word "nine" and insert in lieu thereof the word "eight"

On page 2 of the reengrossed bill, line 29, delete the word "eleven" and insert in lieu thereof the word "ten"

On page 3 of the reengrossed bill, line 9, delete the word "eleven" and insert in lieu thereof the word "ten"

On page 3 of the reengrossed bill, line 17, delete the word "eleven" and insert in lieu thereof the word "ten"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2271

On page 1, line 2, delete the word "and" and after the numerals "37-14-07" insert the following: ", 37-14-14, and 37-25-10"

On page 1, line 3, after the word "fund" and before the semicolon insert the following: ", to the time for application for Vietnam veterans' adjusted compensation, and to the veterans' postwar trust fund; to provide a transfer from the Vietnam veterans' adjusted compensation funds"

On page 2, after line 21, insert the following three sections:

"SECTION 4. AMENDMENT. Section 37-14-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-14. VETERANS' POSTWAR REHABILITATION-RESERVE TRUST FUND. The veterans' postwar rehabilitation-reserve trust fund shall consist of moneys transferred or credited ~~there~~ to the fund, pursuant to the provisions of this chapter and of other laws. The fund shall be invested by the state treasurer in legal investments authorized by section 21-10-07. All income received on the investments is to be utilized in benefit and service to veterans as defined in section 37-01-40, or their dependents, as determined and appropriated by the legislative assembly.

SECTION 5. AMENDMENT. Section 37-25-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-25-10. TIME LIMIT FOR RECEIVING APPLICATIONS. No application for benefits under the provisions of this chapter shall be received after ~~December 31, 1978~~ June 30, 1982. However, in the cases of those veterans who were prisoners of war or missing in action, the deadline for receipt of an application shall be four years from the date upon which they first set foot on American soil or ~~December 31, 1978~~ June 30, 1982, whichever is later.

SECTION 6. TRANSFER OF VIETNAM BONUS FUNDS TO VETERANS' POSTWAR TRUST FUND. All unobligated moneys in the Vietnam veterans' adjusted compensation funds in the state treasury after July 1, 1981, shall be transferred by the state treasurer to the veterans' postwar trust fund. Any obligations of such funds as a result of any amendment of section 37-25-10 by the forty-seventh legislative assembly shall be paid out of the veterans' postwar trust fund and the moneys necessary to meet those obligations are hereby appropriated."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2289

On page 1, line 14, delete the words "without charge" and insert in lieu thereof the words "upon application and payment of the regular license fee"

On page 1, line 16, delete the word "therefor" and insert in lieu thereof the words "at no additional charge"

On page 1, line 22, after the first quotation mark insert the numerals "00"

On page 2, delete lines 3 and 4

On page 2, line 5, delete the words "three dollars."

On page 2, line 6, delete the words "for a" and insert in lieu thereof the words "as provided for in this chapter"

On page 2, delete line 7

On page 2, line 8, delete the words "manufacture and handling"

On page 2, line 9, after the word "operator", insert the words ", but an ex-prisoner of war may transfer the plates to an

eligible replacement vehicle as provided for in this chapter"

On page 2, Line 14, delete the words "Vietnam veterans adjusted compensation fund" and insert in lieu thereof the words "sinking fund for the state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series"

On page 2, line 15, delete the words "established pursuant to chapter 54-17.1"

On page 2, line 16, delete the numerals "20,000" and insert in lieu thereof the numerals "1,000"

On page 2, line 17, delete the words "Vietnam veterans adjusted compensation" and insert in lieu thereof the word "sinking"

And renumber the lines and pages accordingly.

House Chamber

Mr. President: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently passed:

Senate Bill No. 2049

Senate Bill No. 2078

Senate Bill No. 2079

Senate Bill No. 2122

Senate Bill No. 2132

Senate Bill No. 2141

Senate Bill No. 2158

Senate Bill No. 2161

Senate Bill No. 2237

Senate Bill No. 2291

Senate Bill No. 2306

Very respectfully,

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1341

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2035

Senate Bill No. 2130

Senate Bill No. 2196

Senate Bill No. 2207

Senate Bill No. 2262

Senate Bill No. 2313

Senate Bill No. 2314

Senate Bill No. 2355

Senate Bill No. 2399

Senate Concurrent Resolution No. 4027

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2035

Senate Bill No. 2130

Senate Bill No. 2196

Senate Bill No. 2207
Senate Bill No. 2262
Senate Bill No. 2313
Senate Bill No. 2314
Senate Bill No. 2355
Senate Bill No. 2399

Senate Concurrent Resolution No. 4027

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

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2214
Senate Bill No. 2233
Senate Bill No. 2323

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2214
Senate Bill No. 2233
Senate Bill No. 2323

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

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2214
Senate Bill No. 2233
Senate Bill No. 2323

Which the Speaker has signed.


ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2214
Senate Bill No. 2233
Senate Bill No. 2323

_____ were _____ delivered to the } Governor _____ for his approval
on March 26, 1981.


Stella Fritzell Chairman
"BUY NORTH DAKOTA PRODUCTS"

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-sixth _____ day and finds the same to be correct.

In the Journal of the Fifty-fifth day, page 1669, after line 51, insert "House Bill No. 1404".

And when so corrected recommends that the same be approved.

.....Chairman
 Senator Tennesos
 Senator Sorum moved that the report be adopted, which motion prevailed.

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred SENATE CONCURRENT Bill No. 4087 has had the same under RESOLUTION consideration and recommends:

that the House recede from its amendments

For the Senate	For the House
Senator Thane <i>Thane</i>	Rep. Martinson
Senator Wright <i>Wright</i>	Rep. Gerl <i>Gerl</i>
Senator Barth <i>Barth</i>	Rep. Kretschmar <i>Kretschmar</i>
Senator Thane	

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

MOTION

Senator Goodman moved that the Senate do not concur in the House amendments to Senate Bill No. 2347, 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. 2347:

Senator Goodman, Chairman
 Senator Moore
 Senator Shablow

CONSIDERATION OF AMENDMENTS

Senator Lips moved that the amendments to House Bill No. 1002 recommended by the Committee on Appropriations and printed on pages 1739 - 1741 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1002 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1002. — A Bill for an Act making an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota; and to amend and reenact subsections 1 and 3 of section 7 of initiated measure No. 6 to change the allocation of the proceeds of the oil extraction tax; 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 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		
●			●	GROTEBERG	●		●	NELSON	●		●	STREIBEL
●			●	ALBERS	●		●	NETHING	●		●	STROMME
●			●	BAKEWELL	●		●	HOLMBERG	●		●	TALLACKSON
●			●	BARTH	●		●	ISZLER	●		●	TENNEFOS
●			●	NERUBE	●		●	LASKOWITZ	●		●	THANE
●			●	CHRISTENSEN, H. #5	●		●	LEE	●		●	TIERNEY
●			●	CHRISTENSEN, R. #M	●		●	LEIBMAN	●		●	TWETEN
●			●	CUSSONS	●		●	LIPS	●		●	VOSPER
●			●	DOTZENROD	●		●	LODOEN	●		●	WALSH
●			●	DYKSHOORN	●		●	MELLAND	●		●	WENSTROM
●			●	ERICKSON	●		●	MOORE	●		●	WRIGHT
●			●	FRITZELL	●		●	MUTCH	●		●	MR. PRESIDENT
●			●	GOODMAN	●		●	NAADEN	●		●	STENEHEJM

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

Senator Nothing moved that the vote by which House Bill No. 1002 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Melland moved that the following amendments be substituted for those in the committee report as printed on pages 1741 - 1743 in the Senate Journal on House Bill No. 1092.

On page 1 of the reengrossed bill, line 1, after the word "reenact" insert the following: "section 15-40.1-02,"

On page 1 of the reengrossed bill, line 2, after the numeral "15-40.1-06" insert a comma, delete the word "section" and insert in lieu thereof the word "sections", and after the numeral "15-40.1-16" insert the following: "and 15-44-03"

On page 1 of the reengrossed bill, line 4, delete the first word "to" and insert in lieu thereof the word "of", and after the word "percent" and before the semicolon insert the following: "of the cost of education, what constitutes state school aid, and distribution of the state tuition fund"

On page 1 of the reengrossed bill, delete line 5 and insert in lieu thereof the following: "sections 15-44-04, 15-44-05, 15-44-07, and 15-44-08 of the North Dakota Century Code, relating to apportionment of tuition funds by counties, withholding of tuition funds, and the use and accounting of tuition funds; providing an appropriation; and providing an effective date."

On page 1 of the reengrossed bill, delete lines 6 and 7

On page 1 of the reengrossed bill, after line 9, insert the following new section:

"SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. STATE SCHOOL AID - APPROPRIATION. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. Funds distributed to each school district pursuant to article IX, section 2 of the constitution are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools."

On page 2 of the reengrossed bill, delete lines 6 through 35 and insert in lieu thereof the following:

"15-40.1-16. AID FOR TRANSPORTATION. There shall

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be paid from the county equalization fund and from state funds to each school district providing school bus transportation in contract school buses or in district-owned and operated school buses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city the following amounts:

1. For school buses transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to twenty thirty-four cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and thirty-eight cents during the second year of the 1981-83 biennium for school buses having a capacity of sixteen or fewer pupils and forty sixty-eight cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and seventy-six cents per mile the second year of the 1981-83 biennium for school buses having a capacity of seventeen or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of seventeen or more pupils shall be entitled to an amount equal to fifteen nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses, provided that no such payment shall be made for any pupil who lives within the incorporated limits of a city with a population in excess of two hundred fifty and an area in excess of two square miles [518.00 hectares] in which the school in which he is enrolled is located except as provided in section 15-40.1-16.1.
2. For pupils who ride school buses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1 of this section.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating school buses in accordance with the laws of this state relating to standards for school buses, and to the qualifications of school bus drivers. Certification as to the compliance with the laws of this state in regard to school buses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section."

On page 3 of the reengrossed bill, delete lines 1 through 6

On page 3 of the reengrossed bill, after line 6, insert the following new sections:

"SECTION 4. AMENDMENT. Section 15-44-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-44-03. CERTIFICATE BY DEPARTMENT OF ACCOUNTS AND PURCHASES - APPORTIONMENT BY SUPERINTENDENT OF PUBLIC INSTRUCTION - WARRANT - NOTICES TO COUNTY TREASURERS PAYMENT. The department of accounts and purchases on or before the third Monday in February, ~~May~~ April, August, October, and ~~November~~ December in each year, shall

certify to the superintendent of public instruction the amount of the state tuition fund. The superintendent shall apportion such fund immediately among the several counties school districts of the state in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law, and shall certify to the department of accounts and purchases, and state treasurer, and to the county treasurer and county superintendent of schools of each county, the amount apportioned to the respective counties school districts. Immediately upon receipt of the apportionment from the superintendent of public instruction, the department of accounts and purchases shall ~~prepare and issue a warrant, signed by the state auditor, upon the state treasurer for the full amount of the state tuition fund apportioned to the several counties and shall deliver the same to the state treasurer, taking his receipt therefor. The department of accounts and purchases shall notify the several county treasurers of the amount due their respective counties and that the warrant has been issued therefor. The state treasurer upon such warrant, shall pay the amount due the several counties to the respective county treasurers~~ pay each school district the amount to which it is entitled from the state tuition fund and such payments shall be combined with and paid at the same time as per-pupil payments pursuant to section 15-40.1-05.

SECTION 5. REPEAL. Section 15-44-07 and 15-44-08 of the North Dakota Century Code and sections 15-44-04 and 15-44-05 of the 1977 Pocket Supplement to the North Dakota Century Code are hereby repealed.

SECTION 6. APPROPRIATION. There is hereby appropriated for distribution by the department of accounts and purchases out of any moneys in the state tuition fund in the state treasury, not otherwise appropriated, the sum of \$29,877,400, or such additional sums as become available, to the public schools of this state as provided in article IX, section 2 of the Constitution of the State of North Dakota and chapter 15-44 of the North Dakota Century Code, for the biennium beginning July 1, 1981, and ending June 30, 1983.

SECTION 7. EFFECTIVE DATE. Section 1 of this Act shall be effective on and after July 1, 1983."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The bill is amended to provide for appropriation of the amounts estimated for the state tuition fund for distribution among public schools for the coming biennium and for the combining of those payments with foundation program payments. In addition, the bill provides that effective July 1, 1983, moneys distributed from the state tuition fund pursuant to Article IX, Section 2 of the Constitution shall constitute state aid for elementary and secondary schools. The bill is also amended to make the language in Section 15-40.1-16 conform to the language of that section in Senate Bill No. 2245 which has already passed both houses.

Senator Melland moved that the amendments to House Bill No. 1092 be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1092 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1092. — A Bill for an Act to amend and reenact section 15-40.1-02, subsection 2 of section 15-40.1-06, and sections 15-40.1-16 and 15-44-03 of the North Dakota Century Code, relating to state support for elementary and secondary education of approximately seventy percent

of the cost of education, what constitutes state school aid, and distribution of the state tuition fund; and to repeal sections 15-44-04, 15-44-05, 15-44-07, and 15-44-08 of the North Dakota Century Code, relating to apportionment of tuition funds by counties, withholding of tuition funds, and the use and accounting of tuition funds; providing an appropriation; and providing 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 49, nays 0, absent and not voting 1.

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

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which House Bill No. 1092 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Melland moved that the following amendments be substituted for those in the committee report as printed on pages 1691 - 1697 of the Senate Journal, on House Bill No. 1365.

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 create and enact a new section to chapter 57-52 and a new section to chapter 57-54 of the North Dakota Century Code to provide an additional three cent per gallon tax on certain special fuels and motor vehicle fuels; to provide a distribution formula for the revenues generated by these taxes; to amend and reenact sections 39-04-19 and 57-53-02 of the North Dakota Century Code, relating to motor vehicle registration fees and the special fuel excise tax; and to provide an expiration date.

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

SECTION 1. A new section to chapter 57-52 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADDITIONAL TAX ON SPECIAL FUELS - EXEMPTIONS - COLLECTION. There is hereby imposed, in addition to any other tax imposed by this chapter, a tax of three cents per gallon on the sale or delivery of special fuel to any special fuel user, except that special fuel used for aircraft, heating, agricultural, industrial, or railroad purposes shall be exempt from the tax imposed by this section. The tax imposed by this section shall be collected from the special fuel user by the special fuel dealer and paid over to the state tax commissioner as provided in this chapter. However, the tax imposed by this section shall in no case be refundable, except as provided in section 57-52-15, and shall be distributed as provided by section 3 of this Act.

SECTION 2. A new section to chapter 57-54 of the North Dakota Century Code is hereby created and enacted to read as follows:

ADDITIONAL TAX ON MOTOR VEHICLE FUELS - EXEMPTION - COLLECTION. There is hereby imposed, in addition to any other tax imposed by this chapter, a tax of three cents per gallon on all motor vehicle fuel sold or used in this state except for fuel used in aircraft. The tax imposed by this section shall be collected by the dealer from the consumer on all sales. Sales of fuel in the original package may be made to a licensed dealer who shall have the option of collecting the tax imposed by this section, but on sales in the original package to persons other than licensed dealers, the dealer shall be liable for the tax thereon. This tax shall be collected as provided for in this chapter but in no case shall it be refundable, except as provided in section 57-54-24. Revenues generated by the tax provided for in this section shall be distributed as provided in section 3 of this Act.

SECTION 3. DISTRIBUTION OF ADDITIONAL TAXES ON MOTOR VEHICLE FUELS AND SPECIAL FUELS. All revenues collected by the state tax commissioner under the provisions of section 1 and section 2 of this Act shall be transferred to the state treasurer who shall distribute them as follows:

1. Seventy-three percent of these moneys shall be credited to the state highway tax distribution fund created by section 54-27-19.
2. The remaining twenty-seven percent shall be distributed to township road and bridge funds or to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles of township roads within the organized or unorganized township as compared with the total number of miles of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase road building or road maintenance equipment. No township, or county in the case of unorganized townships, shall receive any funds under this subsection unless that township is levying, for the current budget year, at least ninety-five percent of the mill levies authorized by law. If a township is not levying at the ninety-five percent level, the moneys to which they would be entitled under this subsection shall instead be deposited by the state treasurer in the highway tax distribution fund. The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this subsection.

SECTION 4. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-04-19. MOTOR VEHICLE REGISTRATION FEES AND MILE TAX. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the commissioner, shall pay a fee of ten dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this

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subsection shall be credited to the highway construction fund.

2. Motor vehicles required to be registered in this state shall be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period, such fees shall be prorated on a monthly basis. The minimum fee charged hereunder shall be five dollars:

- a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years	
1,999 or less	\$ 32.00	\$ 25.00	\$ 19.00	\$ 15.00	
2,000-2,399	34.00	27.00	20.00	15.00	
2,400-2,799	36.00	29.00	22.00	15.00	
2,800-3,199	38.00	30.00	23.00	16.00	
3,200-3,599	42.00	33.00	25.00	17.00	
3,600-3,999	46.00	37.00	28.00	19.00	
4,000-4,499	56.00	45.00	34.00	23.00	
4,500-4,999	72.00	57.00	43.00	29.00	
5,000-5,999	100.00	80.00	60.00	40.00	
6,000-6,999	130.00	104.00	78.00	52.00	
7,000-7,999	160.00	128.00	96.00	64.00	
8,000-8,999	190.00	152.00	114.00	76.00	
9,000 and over	220.00	176.00	132.00	88.00	
1,999 or less	\$ 42.00	\$ 35.00	\$ 29.00	\$ 25.00	
2,000-2,399	44.00	37.00	30.00	25.00	
2,400-2,799	46.00	39.00	32.00	25.00	
2,800-3,199	48.00	40.00	33.00	26.00	
3,200-3,599	52.00	43.00	35.00	27.00	
3,600-3,999	56.00	47.00	38.00	29.00	
4,000-4,499	66.00	55.00	44.00	33.00	
4,500-4,999	82.00	67.00	53.00	39.00	
5,000-5,999	110.00	90.00	70.00	50.00	
6,000-6,999	140.00	114.00	88.00	62.00	
7,000-7,999	170.00	138.00	106.00	74.00	
8,000-8,999	200.00	162.00	124.00	86.00	
9,000 and over	230.00	186.00	142.00	98.00	

In addition to the fees required in this subsection and section 49-18-32, all motor buses used for the transportation of persons for hire over the highways of this state which have a seating capacity of more than seven passengers shall pay an annual additional license fee of twelve dollars for each passenger capacity in excess of seven. Motor passenger buses operating exclusively within the corporate limits of any city shall not be required to pay this fee.

- b. School buses, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0--4,000	626.00	621.00	616.00	619.00
4,001--6,000	31.00	25.00	20.00	15.00
6,001--8,000	36.00	29.00	23.00	15.00
8,001--10,000	41.00	34.00	26.00	16.00
10,001--12,000	47.00	38.00	29.00	18.00
12,001--14,000	52.00	42.00	32.00	20.00
14,001--16,000	57.00	46.00	35.00	22.00
16,001--18,000	62.00	50.00	38.00	24.00
18,001--20,000	68.00	55.00	42.00	26.00
20,001--22,000	73.00	59.00	45.00	27.00
22,001--24,000	78.00	63.00	48.00	29.00
0- 4,000	\$36.00	\$31.00	\$26.00	\$25.00
4,001- 6,000	41.00	35.00	30.00	25.00
6,001- 8,000	46.00	39.00	33.00	25.00
8,001-10,000	51.00	44.00	36.00	26.00
10,001-12,000	57.00	48.00	39.00	28.00
12,001-14,000	62.00	52.00	42.00	30.00
14,001-16,000	72.00	61.00	50.00	37.00
16,001-18,000	77.00	65.00	53.00	39.00
18,001-20,000	83.00	70.00	57.00	41.00
20,001-22,000	88.00	74.00	60.00	42.00
22,001-24,000	93.00	78.00	63.00	44.00

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001--26,000	\$--176.00	\$--141.00	\$--123.00
26,001--28,000	211.00	169.00	148.00
28,001--30,000	246.00	197.00	172.00
30,001--32,000	281.00	225.00	197.00
32,001--34,000	316.00	253.00	221.00
34,001--36,000	351.00	281.00	246.00
36,001--38,000	386.00	309.00	270.00
38,001--40,000	421.00	337.00	295.00
40,001--42,000	456.00	365.00	319.00
42,001--44,000	491.00	393.00	344.00
44,001--46,000	526.00	421.00	368.00
46,001--48,000	561.00	449.00	393.00
48,001--50,000	596.00	477.00	417.00
50,001--52,000	631.00	505.00	442.00
52,001--54,000	666.00	533.00	466.00
54,001--56,000	701.00	561.00	491.00
56,001--58,000	736.00	589.00	515.00
58,001--60,000	771.00	617.00	540.00
60,001--62,000	806.00	645.00	564.00
62,001--64,000	841.00	673.00	589.00
64,001--66,000	876.00	701.00	613.00
66,001--68,000	911.00	729.00	638.00
68,001--70,000	946.00	757.00	662.00
70,001--72,000	981.00	785.00	687.00
72,001--74,000	1,016.00	813.00	711.00
74,001--76,000	1,051.00	841.00	736.00
76,001--78,000	1,086.00	869.00	760.00
78,001--80,000	1,121.00	897.00	785.00
80,001--82,000	1,156.00	925.00	809.00
82,001--84,000	1,191.00	953.00	833.00
84,001--86,000	1,226.00	981.00	857.00
86,001--88,000	1,261.00	1,009.00	881.00
88,001--90,000	1,296.00	1,037.00	905.00
90,001--92,000	1,331.00	1,065.00	929.00
92,001--94,000	1,366.00	1,093.00	953.00
94,001--96,000	1,401.00	1,121.00	977.00
96,001--98,000	1,436.00	1,149.00	1,001.00
98,001--100,000	1,471.00	1,177.00	1,025.00
100,001--102,000	1,506.00	1,205.00	1,049.00
102,001--104,000	1,541.00	1,233.00	1,073.00
104,001--105,500	1,576.00	1,261.00	1,097.00
24,001- 26,000	\$ 191.00	\$ 156.00	\$ 138.00

26,001- 28,000	226.00	184.00	163.00
28,001- 30,000	261.00	212.00	187.00
30,001- 32,000	301.00	245.00	217.00
32,001- 34,000	336.00	273.00	241.00
34,001- 36,000	371.00	301.00	266.00
36,001- 38,000	406.00	329.00	290.00
38,001- 40,000	441.00	357.00	315.00
40,001- 42,000	476.00	385.00	339.00
42,001- 44,000	511.00	413.00	364.00
44,001- 46,000	546.00	441.00	388.00
46,001- 48,000	581.00	469.00	413.00
48,001- 50,000	616.00	497.00	437.00
50,001- 52,000	666.00	540.00	477.00
52,001- 54,000	701.00	568.00	501.00
54,001- 56,000	736.00	596.00	526.00
56,001- 58,000	771.00	624.00	550.00
58,001- 60,000	806.00	652.00	575.00
60,001- 62,000	841.00	680.00	599.00
62,001- 64,000	876.00	708.00	624.00
64,001- 66,000	911.00	736.00	648.00
66,001- 68,000	946.00	764.00	673.00
68,001- 70,000	981.00	792.00	697.00
70,001- 72,000	1,016.00	820.00	722.00
72,001- 74,000	1,051.00	848.00	746.00
74,001- 76,000	1,086.00	876.00	771.00
76,001- 78,000	1,121.00	904.00	795.00
78,001- 80,000	1,156.00	932.00	820.00
80,001- 82,000	1,191.00	960.00	844.00
82,001- 84,000	1,226.00	1,020.00	894.00
84,001- 86,000	1,331.00	1,080.00	944.00
86,001- 88,000	1,401.00	1,140.00	994.00
88,001- 90,000	1,471.00	1,200.00	1,044.00
90,001- 92,000	1,541.00	1,260.00	1,094.00
92,001- 94,000	1,611.00	1,320.00	1,144.00
94,001- 96,000	1,681.00	1,380.00	1,194.00
96,001- 98,000	1,751.00	1,440.00	1,244.00
98,001-100,000	1,821.00	1,500.00	1,294.00
100,001-102,000	1,891.00	1,560.00	1,344.00
102,001-104,000	1,961.00	1,620.00	1,394.00
104,001-105,500	2,031.00	1,680.00	1,444.00

c. Motorcycles:

- (1) Without sidecar, six dollars per motorcycle.
- (2) With sidecar, ten dollars per unit.

d. A house car shall be subject to registration at the corresponding rate prescribed for trucks under subdivision b of subsection 2, and the registrar shall issue distinctive plates for each house car registered.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 as codified into 38 U.S.C. 1901 shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran, provided that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of one of the following annual fees:
 - a. Ten dollars for trailers and farm trailers

which are not semitrailers, including trailers which are offered for lease or rent to the public.

- b. Ten dollars per axle, limited to a maximum of thirty dollars, for semitrailers and farm trailers which are semitrailers, when the gross weight, not including the weight of the towing vehicle, does not exceed twenty-four thousand pounds [10886.22 kilograms].
- c. Ten dollars for semitrailers when the gross weight, not including the weight of the towing vehicle, exceeds twenty-four thousand pounds [10886.22 kilograms].

Every trailer, semitrailer, or farm trailer not required to be registered under this chapter shall be furnished an identification plate upon the payment of a fee of five dollars.

- 5. Trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] which are used as farm vehicles only, shall be entitled to registration pursuant to the following fee schedule and the provisions of this subsection. Farm vehicles shall be considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing from 24,001 to 82,000 pounds [10886.66 to 37194.57 kilograms] owned, or leased for a minimum period of one year by a bona fide resident farmer who uses such vehicles exclusively for transporting his own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from such farms, nor otherwise for hire.

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
24,001-26,000	\$-86.00	\$-69.00	\$-52.00	\$-31.00
26,001-28,000	96.00	77.00	58.00	35.00
28,001-30,000	106.00	85.00	64.00	39.00
30,001-32,000	116.00	93.00	70.00	43.00
32,001-34,000	126.00	101.00	76.00	47.00
34,001-36,000	136.00	109.00	82.00	51.00
36,001-38,000	146.00	117.00	88.00	55.00
38,001-40,000	156.00	125.00	94.00	59.00
40,001-42,000	166.00	133.00	100.00	63.00
42,001-44,000	176.00	141.00	106.00	67.00
44,001-46,000	186.00	149.00	112.00	71.00
46,001-48,000	196.00	157.00	118.00	75.00
48,001-50,000	206.00	165.00	124.00	79.00
50,001-52,000	216.00	173.00	130.00	83.00
52,001-54,000	226.00	181.00	136.00	87.00
54,001-56,000	236.00	189.00	142.00	91.00
56,001-58,000	246.00	197.00	148.00	95.00
58,001-60,000	256.00	205.00	154.00	99.00
60,001-62,000	266.00	213.00	160.00	103.00
62,001-64,000	276.00	221.00	166.00	107.00
64,001-66,000	286.00	229.00	172.00	111.00
66,001-68,000	296.00	237.00	178.00	115.00
68,001-70,000	306.00	245.00	184.00	119.00
70,001-72,000	316.00	253.00	190.00	123.00
72,001-74,000	326.00	261.00	196.00	127.00
74,001-76,000	336.00	269.00	202.00	131.00

76,001-78,000	346.00	277.00	200.00	135.00
78,001-80,000	356.00	285.00	214.00	139.00
80,001-82,000	366.00	293.00	220.00	143.00
24,001-26,000	\$101.00	\$ 84.00	\$ 67.00	\$ 46.00
26,001-28,000	111.00	92.00	73.00	50.00
28,001-30,000	121.00	100.00	79.00	54.00
30,001-32,000	136.00	113.00	90.00	63.00
32,001-34,000	146.00	121.00	96.00	67.00
34,001-36,000	156.00	129.00	102.00	71.00
36,001-38,000	166.00	137.00	108.00	75.00
38,001-40,000	176.00	145.00	114.00	79.00
40,001-42,000	186.00	153.00	120.00	83.00
42,001-44,000	196.00	161.00	126.00	87.00
44,001-46,000	206.00	169.00	132.00	91.00
46,001-48,000	216.00	177.00	138.00	95.00
48,001-50,000	226.00	185.00	144.00	99.00
50,001-52,000	251.00	208.00	165.00	118.00
52,001-54,000	261.00	216.00	171.00	122.00
54,001-56,000	271.00	224.00	177.00	126.00
56,001-58,000	281.00	232.00	183.00	130.00
58,001-60,000	291.00	240.00	189.00	134.00
60,001-62,000	301.00	248.00	195.00	138.00
62,001-64,000	311.00	256.00	201.00	142.00
64,001-66,000	321.00	264.00	207.00	146.00
66,001-68,000	331.00	272.00	213.00	150.00
68,001-70,000	341.00	280.00	219.00	154.00
70,001-72,000	351.00	288.00	225.00	158.00
72,001-74,000	361.00	296.00	231.00	162.00
74,001-76,000	371.00	304.00	237.00	166.00
76,001-78,000	381.00	312.00	243.00	170.00
78,001-80,000	391.00	320.00	249.00	174.00
80,001-82,000	401.00	328.00	255.00	178.00

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the motor vehicle department and upon payment of a fee of twenty-five dollars.

SECTION 5. AMENDMENT. Section 57-53-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-53-02. TAX LEVIED. There is hereby levied and imposed a special excise tax on all sales of special fuel which are exempted from the tax imposed under chapter 57-52 to a special fuel user, except special fuel used by aircraft, and on all sales of special fuels which are taxed under chapter 57-52 if that tax is thereafter refunded to a special fuel user. Such sales shall be taxed at the rate of two percent of the sale price of such special fuels, provided, however, that discounts for any purposes allowed and taken on such sales shall not be included as a part of the sale price.

SECTION 6. EXPIRATION DATE. The provisions of sections 1, 2, and 3 of this bill shall be effective through June 30, 1983, and after that date shall be ineffective."

And renumber the lines and pages accordingly

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

Senator Melland moved that the rules be suspended, that House Bill No. 1365 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1365. — A Bill for an Act to create and enact a new section to chapter 57-52 and a new section to chapter 57-54 of the North Dakota Century Code to provide an additional three cent per gallon tax on certain special fuels and motor vehicle fuels; to provide a distribution formula for the revenues generated by these taxes; to

amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees; and to provide an expiration 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.

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		•
• BAKWELL		•	• HOLMBERG		•	• OLIN		•	• TALLACKSON		•
• BARTH		•	• ISZLER		•	• PARKER		•	• TENNEFOS		•
• BERUBE		•	• LASKOWITZ		•	• 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		•	• STENHEJEM		•			

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1365 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently passed:

Senate Bill No. 2428

Senate Concurrent Resolution No. 4067

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that consideration of the amendments to House Bill No. 1374 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1243. — A Bill for an Act making an appropriation to the board of vocational education for the construction of a skills acquisition center on the campus of Bismarck junior college.

Which has been read and is placed on the calendar without recommendation.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 22, nays 27, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
ROLL-CALL											
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS		•	GROETBERG		•	NELSON		•	STREIBEL		•
• ALBERS		•	• HANSON		•	• NETHING		•	• STROMME		•
• BAKWELL		•	• HOLMBERG		•	• OLIN		•	• TALLACKSON		•
• BARTH		•	• ISZLER		•	• PARKER		•	• TENNEFOS		•
• BERUBE		•	• LASKOWITZ		•	• 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	• NAAEDEN	• STENEHJEM	

House Bill No. 1243 was declared lost.

House Bill No. 1605. — A Bill for an Act to provide a statement of legislative intent; to provide for the creation of a native American alcohol and drug abuse education program for use by elementary and secondary schools on Indian reservations; to provide an appropriation; and to provide an expiration date.

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

Senator Quail moved that House Bill No. 1605 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide a statement of legislative intent; to provide for the creation of a native American alcohol and drug abuse education program for use by elementary and secondary schools on Indian reservations; to provide an appropriation; and to provide an expiration date.

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

SECTION 1. LEGISLATIVE INTENT. The legislative assembly recognizes the uniqueness of the native American culture and that the alcohol and drug abuse problems being experienced by reservation inhabitants can best be addressed with early education on the reservations. The legislative assembly further recognizes that a great deal of human suffering can be avoided by working to prevent alcohol and drug abuse problems before they occur. With this in mind, the legislative assembly passes this Act appropriating state general funds to help finance alcohol and drug abuse programs in the native American elementary and secondary schools on the reservations within the state.

SECTION 2. NATIVE AMERICAN ALCOHOL AND DRUG ABUSE EDUCATION PROGRAM - DISTRIBUTION OF FUNDS - DEVELOPMENT OF MATERIALS FOR ELEMENTARY AND SECONDARY SCHOOLS ON RESERVATIONS. There is hereby created the native American alcohol and drug abuse education program. Moneys appropriated by the legislative assembly for this purpose shall be distributed by the superintendent of public instruction to elementary and secondary schools operating on Indian reservations in North Dakota. Distributions shall be made at the same time and according to the same payment schedule as provided by law for foundation program payments, and shall be based on the number of native American students attending each such school as compared to the total number of native American students attending elementary and secondary schools on Indian reservations in the state. The funds shall be used by these schools to implement alcohol and drug abuse education programs which are developed by the office of Indian program development at the university of North Dakota in Grand Forks. These programs shall be developed using, wherever possible, existing materials on this subject. The tribal government on each reservation shall establish priorities for the use of these funds by schools within the respective reservation.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of

\$38,383.68, or so much thereof as may be necessary, to the state treasurer for distribution to the tribal governments of each Indian reservation in North Dakota based upon the number of native American students attending elementary and secondary schools within the reservations, for the establishment of priorities for native American alcohol and drug abuse education programs on the reservations as provided in this Act, and \$345,453.15, or so much thereof as may be necessary, to the superintendent of public instruction for distribution to elementary and secondary schools operating on Indian reservations in the state to implement alcohol and drug abuse education programs as provided in this Act for the biennium beginning July 1, 1981, and ending June 30, 1983. Fifty percent of the funds appropriated by this section shall be available for each school year in the biennium.

SECTION 4. EXPIRATION DATE. This Act shall be effective through June 30, 1983, and after that date shall be ineffective."

And renumber the lines and pages accordingly

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

Senator Quail moved that the rules be suspended, that House Bill No. 1605 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1605. — A Bill for an Act to provide a statement of legislative intent; to provide for the creation of a native American alcohol and drug abuse education program for use by elementary and secondary schools on Indian reservations; to provide an appropriation; and to provide an expiration 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 29, nays 20, 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			● GROTBERG			● NELSON			● STREIBEL		●
● ALBERS			● HANSON		●	● NETHING			● STROMME		
● BAKEWELL	●		● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER		●	● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON		●	● TYANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. JSM			● LEIBHAN			● REDLIN	●		● TWETEN		
● CUSSONS	●		● LIPS			● REITEN			● VOSPER		●
● DOTZENROD			● LODOEN		●	● ROEN			● WALSH		
● DYKSHOORN	●		● MELLAND		●	● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE		●	● SOLBERG		●	● WRIGHT		
● FRITZELL	●		● MUTCH		●	● SORUM		●	● MR. PRESIDENT		
● GOODMAN			● NAADEN		●	● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1605 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3069. — A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of the State of North Dakota, relating to the deposit of bonus moneys received from mineral activities on common school lands in the appropriate permanent trust funds, and to the disposition of the

interest and income of the common school trust fund and fines collected for violation of state laws.

STATEMENT OF INTENT

The purpose of this amendment is to require any bonuses paid for mineral leases on state lands held in trust for the common schools or for state institutions to be deposited in the appropriate permanent trust funds.

Which has been read.

MOTION

Senator Melland moved that House Concurrent Resolution No. 3069 be amended as follows:

On page 1 of the engrossed resolution, delete lines 1 through 10, and insert in lieu thereof the following: "A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of the State of North Dakota, relating to the deposit of bonus moneys received from mineral activities on common school lands in the appropriate permanent trust funds, and to the disposition of the interest and income of the common school trust fund and fines collected for violation of state laws.

STATEMENT OF INTENT

The purpose of these amendments is to require any bonuses paid from mineral leases on state lands held in trust for the common schools or for state institutions to be deposited in the appropriate permanent trust funds; and to allow the legislative assembly to determine the method for distributing common school trust fund interest and income to the public schools, ~~rather than having the money distributed on the basis of the proportionate number of school age children in each school district.~~

On page 1 of the engrossed resolution, line 13, delete the words and numeral "amendment to section 1" and insert in lieu thereof the words and numerals "amendments to sections 1 and 2"

On page 1 of the engrossed resolution, line 14, delete the word "is" and insert in lieu thereof the word "are"

On page 2 of the engrossed resolution, after line 28, insert the following new section:

"SECTION 2. AMENDMENT. Section 2 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 2. The interest and income of this fund together with the net proceeds of all fines for violation of state laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the state, ~~and shall be for this purpose apportioned among and between all the several common school corporations of the state in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the state, provided however, that if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to and become a part of the school fund as provided by law."~~

And renumber the lines and pages accordingly

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

insert in lieu thereof the following section:

"SECTION 5. GRANTS, BENEFITS, AND CLAIMS. Section 54-44.1-11 shall not apply to appropriations made for grants, benefits, and claims in section 1 of this Act nor to the grants, benefits, and claims line item in chapter 77 of the 1979 Session Laws."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Energy Development Impact Office is reduced by \$7,070, \$3,535 from the general fund and \$3,535 from estimated income, to delete funds for a noncontributory retirement plan.

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

Senator Olin moved that the rules be suspended, that House Bill No. 1039 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1039. — A Bill for an Act making an appropriation for defraying the expenses of the energy development impact office 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 47, nays 2, absent and not voting 1.

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

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which House Bill No. 1039 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTIONS

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2019 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. 2019:

- Senator Fritzell, Chairman
- Senator Vosper
- Senator Walsh

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2025 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. 2025;

- Senator Melland, Chairman
- Senator Hanson
- Senator Tallackson

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2092 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. 2092:

- Senator Thane, Chairman
- Senator Naaden
- Senator Walsh

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2289 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. 2289:

- Senator Melland, Chairman
- Senator Streibel
- Senator Tallackson

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Nelson moved that the Senate do concur in the House amendments to Senate Bill No. 2203 as printed on page 1597 of the Senate Journal, which motion prevailed.

Senator Nelson moved that the rules be suspended, that Senate Bill No. 2203 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. 2203. — A Bill for an Act to amend and reenact sections 15-18-07 and 15-18-09 of the North Dakota Century Code, relating to state aid for community or junior colleges.

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 1, absent and not voting 1.

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

So the bill passed and the title was agreed to.

Senator Wenstrom moved that the Senate do concur in the House amendments to Senate Concurrent Resolution No. 4016 as printed on page 1664 of the Senate Journal, which motion prevailed.

Senator Wenstrom moved that the rules be suspended, that Senate Concurrent Resolution No. 4016 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 CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4016. — A concurrent resolution for the amendment of section 46 of article IV of the Constitution of the State of North Dakota, relating to mileage expenses for members of the legislative assembly.

Which has been read.

ROLL CALL

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

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

Senate Concurrent Resolution No. 4016 was declared adopted.

Senator Iszler moved that the Senate do concur in the House amendments to Senate Bill No. 2438 as printed on pages 1723 and 1724 of the Senate Journal, which motion prevailed.

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2438 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. 2438. — A Bill for an Act to amend and reenact section 47-10.1-02 of the North Dakota Century Code, relating to restrictions on the acquisition of agricultural land; and to declare an emergency.

Which has been read.

ROLL CALL

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

NORTH DAKOTA SENATE									1981 LEGISLATURE		
REGULAR SESSION			ROLL-CALL								
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROETBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. FM			● LEIBHAN			● REDLIN	●		● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		

● DYKSHOORN	● MELLAND	● SHABLOW	● WENSTROM
● ERICKSON	● MOORE	● SOLBERG	● WRIGHT
● FRITZELL	● MUTCH	● SORUM	● MR. PRESIDENT
● GOODMAN	● NAA DEN	● STENEHJEM	

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

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2001, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2001 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. 2001. — A Bill for an Act to appropriate money for the expenses of the legislative branch of government; 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 49, nays 0, absent and not voting 1.

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

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

Report of Conference Committees

Mr. _____ President _____: Your Conference Committee to whom was referred _____ Senate _____ Bill No. 2046 _____ has had the same under consideration and recommends:

that the Senate accede to the House amendments.

For the Senate	For the House
Senator Tweten	Representative Marsden
Senator Streibel	Representative Thompson
Senator Walsh	Representative Mertens

Senate Bill No. 2046 was placed on the 7th order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE
Senate Chamber

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

Senate Bill No. 2347

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

Senate Bill No. 2347

Senators:

Senator Goodman

Senator Moore

Senator Shablow

Very respectfully

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed:

House Bill No. 1484

Very respectfully,

LEO LEIDHOLM, Secretary

Senator Nething moved that at the conclusion of the 7th Order of Business, the Senate adjourn and convene at 9:00 a.m., Friday, March 27, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary