

## FIFTY-EIGHTH DAY

Bismarck, March 27, 1981

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

The prayer was offered by Rev. John Hathcock, Pastor, Baptist Temple Church, Mandan.

Our Father in heaven, I approach You this morning with a heart of gratitude and love.

I praise You for this great nation You allow us to live in.

I thank You for the freedoms we enjoy in this nation today.

I thank You for men and women who make our laws and uphold them.

I pray today as Solomon of old times prayed, grant to all in this Senate wisdom and knowledge of You so that they can lead the people of North Dakota to love their state and protect it and the people from sources that would degrade the people and destroy the land. Please send moisture upon the land that it might produce those things our bodies have need of physically.

Now I pray that the life each of us lives today will brighten the life of someone else. Forgive us of our sins I pray in Jesus name. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

ALLEN I. OLSON

GOVERNOR

March 27, 1981

The Honorable Ernest M. Sands

President of the Senate

Senate Chamber

Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on March 26, 1981, I signed the following Senate Bills:

Senate Bill: 2114

Senate Bill: 2216

Senate Bill: 2232

Senate Bill: 2239

Senate Bill: 2245

Senate Bill: 2412

Sincerely,

ALLEN I. OLSON

Governor

## MOTIONS

Senator Lips moved that Senator Groberg replace Senator Tallackson on the conference committee on Senate Bill No. 2025, which motion

prevailed.

Senator Lips moved that Senator Stromme replace Senator Tallackson on the conference committee on Senate Bill No. 2289, which motion prevailed.

Senator Redlin moved that the Senate reconsider its action whereby House Bill No. 1243 lost, which motion prevailed on a division vote.

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.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes 22, nays 28, absent and not voting 0.

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

House Bill No. 1243 was declared lost.

MESSAGES FROM THE HOUSE

House Chamber

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

House Bill No. 1072

House Bill No. 1269

House Bill No. 1293

House Bill No. 1591

House Concurrent Resolution No. 3072

And subsequently passed the same, but refused to concur in the Senate amendment to:

House Bill No. 1001

House Bill No. 1004

House Bill No. 1008

House Bill No. 1199

And the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

House Bill No. 1001

Reps.:

Rep. Marsden

Rep. Kuchera

Rep. Mertens

House Bill No. 1004

Reps.:

Rep. Wagner

Rep. R. Hausauer

Rep. Solberg

House Bill No. 1008

Reps.:

Rep. Kuchera  
 Rep. R. Hausauer  
 Rep. Mertens  
 House Bill No. 1199  
 Reps. :  
 Rep. A. Olson  
 Rep. A. Hausauer  
 Rep. Kelly  
 Very respectfully,

ROY GILBREATH, Chief Clerk  
 House Chamber

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

Senate Bill No. 2204

Reps. :  
 Rep. Peltier  
 Rep. Dan Olson  
 Rep. Riehl  
 Senate Bill No. 2347

Reps. :  
 Rep. A. Olson  
 Rep. A. Hausauer  
 Rep. Kelly  
 Very respectfully,

ROY GILBREATH, Chief Clerk  
 House Chamber

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

Senate Concurrent Resolution No. 4041

ROY GILBREATH, Chief Clerk  
 House Chamber

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

House Bill No. 1058  
 House Bill No. 1154  
 House Bill No. 1276  
 House Bill No. 1284

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1371  
 House Bill No. 1473  
 House Bill No. 1525  
 House Bill No. 1529  
 House Bill No. 1536  
 House Bill No. 1542  
 House Bill No. 1589

Very respectfully,

ROY GILBREATH, Chief Clerk

CONSIDERATION OF MESSAGES  
FROM THE HOUSE

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2002 as printed on pages 1756, 1757 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2002 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. 2002.** — A Bill for an Act making an appropriation to the legislative assembly for improvements to and renovation of the state capitol; 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 50, nays 0, absent and not voting 0.

NORTH DAKOTA SENATE											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROETBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #4			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2004 as printed on page 1757 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2004 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2004.** — A Bill for an Act making an appropriation for defraying the expenses of the board of higher education and various divisions thereof of the state of North Dakota.

Which has been read.

ROLL CALL

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

NORTH DAKOTA SENATE											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROETBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #4			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2006 as printed on page 1757 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2006 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2006.** — A Bill for an Act making an appropriation for defraying the expenses of the state board of vocational education of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2008 as printed on page 1758 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2008 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2008.** — A Bill for an Act making an appropriation for defraying the expenses of the division of independent study of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2013 as printed on page 1758 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2013 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2013.** — A Bill for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2014 as printed on pages 1758, 1759 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2014 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2014.** — A Bill for an Act making an appropriation for defraying the expenses of the department of veterans' affairs of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House

amendments to Senate Bill No. 2015 as printed on page 1759 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2015 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2016 as printed on page 1759 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2016 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2016.** — A Bill for an Act making an appropriation for defraying the expenses of the aeronautics commission of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2017 as printed on pages 1759, 1760 of the Senate Journal, which motion prevailed.





Senator Lips moved that the rules be suspended, that Senate Bill No. 2022 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2022.** — A Bill for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

REGULAR SESSION									1981 LEGISLATURE								
YEAS			N-V			NAYS			YEAS			N-V			NAYS		
● ADAMS			● GROTZBERG			● NELSON			● STREIBEL								
● ALBERS			● HANSON			● NETHING			● STROMME								
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKMOON								
● BARTH			● ISZLER			● PARKER			● TENNEFOS								
● BERUBE			● LASKOWITZ			● PETERSON			● THANE								
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY								
● CHRISTENSEN, R. JM			● 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			● NAADEH			● STENEHJEM											

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2023 as printed on pages 1760 - 1762 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2023 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2023.** — A Bill for an Act making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota; 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.

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		
● ADAMS			● GROTZBERG			● NELSON			● STREIBEL								
● ALBERS			● HANSON			● NETHING			● STROMME								
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKMOON								
● BARTH			● ISZLER		●	● PARKER			● TENNEFOS								
● BERUBE			● LASKOWITZ			● PETERSON			● THANE								
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY								
● CHRISTENSEN, R. JM			● 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			● NAADEH			● STENEHJEM		●									

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2028 as printed on page 1764 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2028 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2028.** — A Bill for an Act making an appropriation for defraying the expenses of the highway patrol and the various divisions thereof of the state of North Dakota.

Which has been read.

ROLL CALL

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

NORTH DAKOTA SENATE											
REGULAR SESSION									1981 LEGISLATURE		
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			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2029 as printed on page 1764, 1765 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2029 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2029.** — A Bill for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

Which has been read.

ROLL CALL

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

NORTH DAKOTA SENATE											
REGULAR SESSION									1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● 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			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2030 as printed on page 1765 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2030 be deemed properly re-engrossed and placed on the calendar, as



**Senate Bill No. 2032.** — A Bill for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
ROLL-CALL											
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTEBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKRON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2033 as printed on page 1766 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2033 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2033.** — A Bill for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
ROLL-CALL											
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTEBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKRON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2034 as printed on page 1766 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2034 be deemed properly re-engrossed and placed on the calendar, as

amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2034.** — A Bill for an Act making an appropriation for defraying the administrative expenses of the public employees retirement system and the group insurance program of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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			● STORMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. FM			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2036 as printed on page 1767 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2036 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2036.** — A Bill for an Act making an appropriation for defraying the expenses of the job service North Dakota and divisions thereof of the state of North Dakota.

Which has been read.

**ROLL CALL**

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

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			● STORMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. FM			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2037 as printed on page 1767 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2037 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2037.** — A Bill for an Act making an appropriation for defraying the expenses of the workmen's compensation bureau of the state of North Dakota.

Which has been read.

### ROLL CALL

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

NORTH DAKOTA SENATE									1981 LEGISLATURE		
REGULAR SESSION			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			● TALLACKOON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAAEDN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2217 as printed on pages 1782, 1783 of the Senate Journal which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2217 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2217.** — A Bill for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; and providing for 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
● ADAMS			● GROTBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKOON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAAEDN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2271 as printed on page 1783 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2271 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**Senate Bill No. 2271.** — A Bill for an Act to amend and reenact sections 37-14-03.3, 37-14-06, 37-14-07, 37-14-14, and 37-25-10 of the North Dakota Century Code, relating to the veterans' aid fund, 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; and to provide an appropriation.

Which has been read.

**ROLL CALL**

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

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

So the bill passed and the title was agreed to.

**MESSAGE TO THE HOUSE.**

Senate Chamber

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

- House Bill No. 1002
- House Bill No. 1092
- House Bill No. 1365
- House Bill No. 1605
- House Concurrent Resolution No. 3069

LEO LEIDHOLM, Secretary

**CONFIRMATION SESSION**

Senator Nothing moved that the Senate resolve itself into a confirmation session, which motion prevailed.

**REPORT OF SELECT COMMITTEES**

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

consider the nominations for membership on the State Board of Higher Education do advise and consent to the appointments of:

Mr. Roland E. Meidinger, Jamestown

Dr. Victor Kaljot, Minot

Senator Nelson   
Chairman

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

## MOTION

Senator Nelson moved that the Attorney General's opinion concerning the appointment of Dr. Victor Kaljot, Minot, be printed in the Journal, which motion prevailed.

STATE OF NORTH DAKOTA

Requested by: Senator Gary J. Nelson

- QUESTION PRESENTED -

Whether receipt of limited compensation from the UND Medical Center by a physician serving as a part-time lecturer, consultant and clinical faculty member makes that physician an employee of an institution pursuant to Article VIII, Section 6(2)(a), of the North Dakota Constitution and Section 15-10-02, North Dakota Century Code.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a physician serving part-time as a lecturer, consultant and clinical faculty member for the UND Medical Center and receiving limited compensation therefore is not an employee pursuant to Article VIII, Section 6(2)(a), of the North Dakota Constitution and Section 15-10-02, N.D.C.C., and is therefore not precluded from being appointed to the Board of Higher Education.

- ANALYSIS -

Article VIII, Section 6(2)(a), of the North Dakota Constitution provides in part as follows:

No person employed by any institution under the control of the board shall serve as a member of the board, nor shall any employee of any such institution be eligible for membership on the state board of higher education for a period of two years following the termination of his employment. (Emphasis Supplied)

Section 15-10-02, N.D.C.C., in almost identical language states:

No person employed by any institution under the control of the board shall serve as a member of the board, nor shall any employee of any such institution be eligible for membership on the board for a period of two years following the termination of his employment.

The University of North Dakota Medical Center has many private practice physicians serving part-time as clinical faculty members throughout the state. These physicians participate at various times as consultants or advisers. They deliver lectures to medical students at a given rate per lecture and conduct conferences with medical students at a given rate per conference. They also oversee senior medical students assigned to them for specific



periods of time as part of the student's senior year at the Medical School. This service is in addition to their regular private practice patient load which is the principal source of their income. When services are requested, the physician is free to either accept or reject an offer at that time. The compensation received is a limited part of the income of the physicians providing this service. No deductions are made from the fees paid to such consultants for taxes, social security, etc.

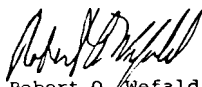
Other provisions of law have some relevance to the question of a physician's status concerning whether such a physician is an employee under the provisions in question. For example, under the Social Security System "employment" means any service under an employer/employee relationship. Section 52-09-20(B), N.D.C.C. Under the prior Social Security System, persons hired under a fee for service basis were excluded from the definition of "employee." Section 52-10-02, N.D.C.C. Under unemployment compensation law, Section 52-01-01(12), N.D.C.C., "employee" would not include an individual who under common law rules is an independent contractor. The common law rules of employment status are also used by the courts to construe the State's Workmen's Compensation Law, Chapter 65-01, N.D.C.C. In my opinion, whether one is an employee employed by an institution under the jurisdiction of the State Board of Higher Education would also have to be determined by common law rules.

The North Dakota Supreme Court has stated that there are a number of factors to be considered in determining whether one is an employee. Burkhardt v. State, 53 N.W.2d 394 (N.D. 1952). Control over the manner in which the work is done is one of the most important tests. It is this element of control which is the most important common law factor in determining whether one is an employee or by contrast an independent contractor. 53 Am.Jur.2d, Master and Servant, §2. A private physician providing services to the UND Medical Center is an independent contractor and not an employee.

Obviously, a private physician supervising a senior medical student or giving a lecture is not controlled in how he does his work by the Medical Center to such an extent that he is no longer an independent contractor. As the amount of control increases and the amount of compensation increases, a point would be reached where a physician may be, in fact, an employee of the UND Medical Center. It is my opinion, however, that these private practice physicians providing this limited service for limited compensation are not employees of the UND Medical Center and are therefore not precluded from serving on the Board of Higher Education.

- EFFECT -

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.



Robert O. Wefald  
Attorney General

Prepared by: Rick D. Johnson  
Assistant Attorney General

Senator Nething moved that the Senate dissolve itself from the confirmation session, which motion prevailed.

Senator Nething moved that the Senate stand in recess until 1:30 p.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

#### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1001, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1001:

Senator Melland, Chairman

Senator Streibel

Senator Walsh

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1004, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1004:

Senator Wenstrom, Chairman

Senator Vosper

Senator Shablow

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1008, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1008:

Senator Fritzell, Chairman

Senator Naaden

Senator Walsh

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1199, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1199:

Senator Goodman, Chairman

Senator Moore

Senator Shablow

#### MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1341

and subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

#### MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2001

Senate Bill No. 2203

Senate Bill No. 2438

Senate Concurrent Resolution No. 4016

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:

Senate Concurrent Resolution No. 4087

Very respectfully,

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return 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 Speaker has signed.

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2005

Senate Bill No. 2009

Senate Bill No. 2010

Senate Bill No. 2012

Senate Bill No. 2018

Senate Bill No. 2153

Senate Bill No. 2253

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005

On page 1 of the engrossed bill, line 1, delete everything after the word "Act"

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

On page 1 of the engrossed bill, line 6, delete the following:  
"assessments under the teachers' fund for retirement;"

On page 1 of the engrossed bill, line 23, delete the numerals  
"53,193,712" and insert in lieu thereof the numerals "51,346,619"

On page 1 of the engrossed bill, line 24, delete the numerals  
"14,833,208" and insert in lieu thereof the numerals "14,493,128"

On page 1 of the engrossed bill, line 26, delete the numerals  
"69,271,914" and insert in lieu thereof the numerals "67,084,741"

On page 1 of the engrossed bill, line 28, delete the numerals  
"56,280,354" and insert in lieu thereof the numerals "54,093,181"

On page 2 of the engrossed bill, line 2, delete the numerals  
"59,635,854" and insert in lieu thereof the numerals "57,448,681"

On page 2 of the engrossed bill, line 4, delete the numerals  
"25,913,451" and insert in lieu thereof the numerals "25,097,644"

On page 2 of the engrossed bill, line 7, delete the numerals  
"40,486,216" and insert in lieu thereof the numerals "39,670,409"

- On page 2 of the engrossed bill, line 8, delete the numerals "17,540,652" and insert in lieu thereof the numerals "17,363,896"
- On page 2 of the engrossed bill, line 9, delete the numerals "22,945,564" and insert in lieu thereof the numerals "22,306,513"
- On page 2 of the engrossed bill, line 11, delete the numerals "23,245,564" and insert in lieu thereof the numerals "22,606,513"
- On page 2 of the engrossed bill, line 14, delete the numerals "46,416,981" and insert in lieu thereof the numerals "44,771,009"
- On page 2 of the engrossed bill, line 15, delete the numerals "13,972,349" and insert in lieu thereof the numerals "13,768,349"
- On page 2 of the engrossed bill, line 17, delete the numerals "61,751,743" and insert in lieu thereof the numerals "59,901,771"
- On page 2 of the engrossed bill, line 19, delete the numerals "50,801,342" and insert in lieu thereof the numerals "48,951,370"
- On page 2 of the engrossed bill, line 21, delete the numerals "53,792,061" and insert in lieu thereof the numerals "51,942,089"
- On page 2 of the engrossed bill, line 23, delete the numerals "17,912,208" and insert in lieu thereof the numerals "17,253,617"
- On page 2 of the engrossed bill, line 24, delete the numerals "5,042,797" and insert in lieu thereof the numerals "4,934,797"
- On page 2 of the engrossed bill, line 26, delete the numerals "23,972,825" and insert in lieu thereof the numerals "23,206,234"
- On page 2 of the engrossed bill, line 27, delete the numerals "3,796,588" and insert in lieu thereof the numerals "4,089,088"
- On page 2 of the engrossed bill, line 28, delete the numerals "20,176,237" and insert in lieu thereof the numerals "19,117,146"
- On page 2 of the engrossed bill, line 30, delete the numerals "21,632,747" and insert in lieu thereof the numerals "20,573,656"
- On page 2 of the engrossed bill, line 32, delete the numerals "7,218,089" and insert in lieu thereof the numerals "7,027,670"
- On page 2 of the engrossed bill, line 35, delete the numerals "9,460,257" and insert in lieu thereof the numerals "9,269,838"
- On page 3 of the engrossed bill, line 1, delete the numerals "979,378" and insert in lieu thereof the numerals "1,060,394"
- On page 3 of the engrossed bill, line 2, delete the numerals "8,480,879" and insert in lieu thereof the numerals "8,209,444"
- On page 3 of the engrossed bill, line 3, delete the numerals "690,250" and insert in lieu thereof the numerals "665,250"
- On page 3 of the engrossed bill, line 4, delete the numerals "9,171,129" and insert in lieu thereof the numerals "8,874,694"
- On page 3 of the engrossed bill, line 6, delete the numerals "5,120,657" and insert in lieu thereof the numerals "4,983,420"
- On page 3 of the engrossed bill, line 8, delete the numerals "174,715" and insert in lieu thereof the numerals "149,715"
- On page 3 of the engrossed bill, line 9, delete the numerals "7,049,884" and insert in lieu thereof the numerals "6,887,647"
- On page 3 of the engrossed bill, line 10, delete the numerals "895,033" and insert in lieu thereof the numerals "926,668"
- On page 3 of the engrossed bill, line 11, delete the numerals "6,154,851" and insert in lieu thereof the numerals "5,960,979"

- On page 3 of the engrossed bill, line 13, delete the numerals "6,246,851" and insert in lieu thereof the numerals "6,052,979"
- On page 3 of the engrossed bill, line 15, delete the numerals "13,768,742" and insert in lieu thereof the numerals "13,406,407"
- On page 3 of the engrossed bill, line 18, delete the numerals "17,130,624" and insert in lieu thereof the numerals "16,768,289"
- On page 3 of the engrossed bill, line 19, delete the numerals "2,562,768" and insert in lieu thereof the numerals "2,752,091"
- On page 3 of the engrossed bill, line 20, delete the numerals "14,567,856" and insert in lieu thereof the numerals "14,016,198"
- On page 3 of the engrossed bill, line 21, delete the numerals "2,183,000" and insert in lieu thereof the numerals "2,158,000"
- On page 3 of the engrossed bill, line 22, delete the numerals "16,750,856" and insert in lieu thereof the numerals "16,174,198"
- On page 3 of the engrossed bill, line 24, delete the numerals "6,528,476" and insert in lieu thereof the numerals "6,355,393"
- On page 3 of the engrossed bill, line 25, delete the numerals "1,874,272" and insert in lieu thereof the numerals "1,859,272"
- On page 3 of the engrossed bill, line 27, delete the numerals "8,620,148" and insert in lieu thereof the numerals "8,432,065"
- On page 3 of the engrossed bill, line 28, delete the numerals "1,501,222" and insert in lieu thereof the numerals "1,593,843"
- On page 3 of the engrossed bill, line 29, delete the numerals "7,118,926" and insert in lieu thereof the numerals "6,838,222"
- On page 3 of the engrossed bill, line 30, delete the numerals "536,500" and insert in lieu thereof the numerals "511,500"
- On page 3 of the engrossed bill, line 31, delete the numerals "7,655,426" and insert in lieu thereof the numerals "7,349,722"
- On page 3 of the engrossed bill, line 34, delete the numerals "2,639,709" and insert in lieu thereof the numerals "2,571,034"
- On page 3 of the engrossed bill, line 35, delete the numerals "733,348" and insert in lieu thereof the numerals "728,164"
- On page 4 of the engrossed bill, line 2, delete the numerals "3,496,069" and insert in lieu thereof the numerals "3,422,210"
- On page 4 of the engrossed bill, line 3, delete the numerals "387,734" and insert in lieu thereof the numerals "417,406"
- On page 4 of the engrossed bill, line 4, delete the numerals "3,108,335" and insert in lieu thereof the numerals "3,004,804"
- On page 4 of the engrossed bill, line 6, delete the numerals "3,479,329" and insert in lieu thereof the numerals "3,375,798"
- On page 4 of the engrossed bill, line 8, delete the numerals "1,035,433" and insert in lieu thereof the numerals "1,008,252"
- On page 4 of the engrossed bill, line 11, delete the numerals "1,409,962" and insert in lieu thereof the numerals "1,382,781"
- On page 4 of the engrossed bill, line 13, delete the numerals "1,030,836" and insert in lieu thereof the numerals "1,003,655"
- On page 4 of the engrossed bill, line 15, delete the numerals "1,163,936" and insert in lieu thereof the numerals "1,136,755"
- On page 4 of the engrossed bill, line 17, delete the numerals "397,326" and insert in lieu thereof the numerals "387,073"

- On page 4 of the engrossed bill, line 20, delete the numerals "507,143" and insert in lieu thereof the numerals "496,890"
- On page 4 of the engrossed bill, line 22, delete the numerals "290,470" and insert in lieu thereof the numerals "280,217"
- On page 4 of the engrossed bill, line 24, delete the numerals "11,608,768" and insert in lieu thereof the numerals "11,299,201"
- On page 4 of the engrossed bill, line 27, delete the numerals "18,020,222" and insert in lieu thereof the numerals "17,710,655"
- On page 4 of the engrossed bill, line 28, delete the numerals "203,064,223" and insert in lieu thereof the numerals "195,815,302"
- On page 4 of the engrossed bill, line 29, delete the numerals "70,221,357" and insert in lieu thereof the numerals "70,451,801"
- On page 4 of the engrossed bill, line 30, delete the numerals "273,285,580" and insert in lieu thereof the numerals "266,267,103"
- On page 5 of the engrossed bill, delete lines 20 through 35
- On page 6 of the engrossed bill, delete lines 1 through 8
- On page 6 of the engrossed bill, delete lines 24 through 35
- On page 7 of the engrossed bill, delete lines 1 through 30
- And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

The salaries and wages line item for the University of North Dakota is reduced by \$1,418,498 from the general fund to delete funds for a noncontributory retirement plan. Salaries are further reduced by \$428,595 from the general fund to delete funds for 6.3 FTE faculty positions. The operating expenses line item is reduced by \$340,080 from the general fund to reflect an exemption from the severance tax for coal used for heating buildings and a reduced freight rate on coal.

The estimated income line item reflects a \$75 per student increase in tuition for the first year of the biennium and an additional \$50 increase the second year. The executive budget recommended a single \$100 increase for the 1981-83 biennium.

UND Medical Center

The salaries and wages line item for the UND Medical Center is reduced by \$707,408, of which \$530,652 is from the general fund and \$176,756 is from other funds, to delete funds for a non-contributory retirement plan. Salaries are further reduced by \$108,399 from the general fund to delete funds for 2 FTE positions: an associate professor of medicine and a photographer.

North Dakota State University

The salaries and wages line item for North Dakota State University is reduced by \$1,237,786 from the general fund to delete funds for a noncontributory retirement plan. Salaries are further reduced by \$408,186 from the general fund to delete funds for 6.0 FTE faculty positions. The operating expenses line item is reduced by \$240,000 from the general fund to reflect an exemption from the severance tax for coal used for heating buildings and a reduced freight rate on coal.

The estimated income line item reflects a \$75 per student increase in tuition for the first year of the biennium and an additional \$50 increase the second year. The executive budget recommended a single \$100 increase for the 1981-83 biennium.

State School of Science

The salaries and wages line item for the State School of Science is reduced by \$474,967 from the general fund to delete funds for a noncontributory retirement plan. Salaries are further reduced by \$156,899 from the general fund to delete funds for 2.7 FTE faculty positions. Salaries and wages are also reduced by \$26,725 from the general fund to delete funds for one FTE motor vehicle mechanic, which was added by the Senate. The operating expenses line item is reduced by \$108,000 from the general fund to reflect an exemption from the severance tax for coal used for heating buildings and a reduced freight rate on coal..

The estimated income line item is increased by \$292,500 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The executive budget recommended a single \$50 increase for the 1981-83 biennium.

Dickinson State College

The salaries and wages line item for Dickinson State College is reduced by \$190,419 from the general fund to delete funds for a noncontributory retirement plan.

The capital improvements line item is decreased by \$25,000.

The estimated income line item is increased by \$81,016 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The executive budget recommended a single \$50 increase for the 1981-83 biennium.

Mayville State College

The salaries and wages line item for Mayville State College is reduced by \$137,237 from the general fund to delete funds for a noncontributory retirement plan.

The equipment line item is decreased by \$25,000.

The estimated income line item is increased by \$31,635 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The executive budget recommended a single \$50 increase for the 1981-83 biennium.

Minot State College

The salaries and wages line item for Minot State College is reduced by \$362,335 from the general fund to delete funds for a noncontributory retirement plan.

The capital improvements line item is decreased by \$25,000.

The estimated income line item is increased by \$189,323 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The executive budget recommended a single \$50 increase for the 1981-83 biennium.

Valley City State College

The salaries and wages line item for Valley City State College is reduced by \$173,083 from the general fund to delete funds for a noncontributory retirement plan. The operating expenses line item is reduced by \$15,000 from the general fund to reflect an exemption from the severance tax for coal used for heating buildings and a reduced freight rate on coal.

The capital improvements line item is decreased by \$25,000.

The estimated income line item is increased by \$92,621 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The

executive budget recommended a single \$50 increase for the 1981-83 biennium.

State School of Forestry - Bottineau

The salaries and wages line item for the State School of Forestry is reduced by \$68,675 from the general fund to delete funds for a noncontributory retirement plan. The operating expenses line item is reduced by \$5,184 from the general fund to reflect an exemption from the severance tax for coal used for heating buildings and a reduced freight rate on coal.

The estimated income line item is increased by \$29,672 to reflect an additional \$25 tuition increase for the first year and an additional \$50 tuition increase for the second year of the biennium. The executive budget recommended a single \$50 increase for the 1981-83 biennium.

Forest Service

The salaries and wages line item for the Forest Service is reduced by \$27,181 to delete funds for a noncontributory retirement plan.

NDSU - State Toxicologist

The salaries and wages line item for the State Toxicologist is reduced by \$10,253 to delete funds for a noncontributory retirement plan.

UND Rehabilitation Hospital

The salaries and wages line item for the Rehabilitation Hospital is reduced by \$309,567 to delete funds for a noncontributory retirement plan.

Tuition Increases

Tuition increases per student are \$75 for the first year of the biennium, and an additional \$50 for the second year of the biennium. The total increase in effect by the last year of the 1981-83 biennium compared to current rates is \$125 per student. Current tuition rates are:

Universities	\$532 per year
State Colleges	\$472 per year

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

- On page 1 of the engrossed bill, line 18, delete the numerals "14,198,048" and insert in lieu thereof the numerals "14,124,048"
- On page 1 of the engrossed bill, line 21, delete the numerals "17,126,556" and insert in lieu thereof the numerals "17,052,556"
- On page 1 of the engrossed bill, line 23, delete the numerals "6,695,584" and insert in lieu thereof the numerals "6,621,584"
- On page 2 of the engrossed bill, line 9, delete the numerals "23,136,304" and insert in lieu thereof the numerals "22,371,763"
- On page 2 of the engrossed bill, line 12, delete the numerals "29,215,786" and insert in lieu thereof the numerals "28,451,245"
- On page 2 of the engrossed bill, line 13, delete the numerals "12,051,404" and insert in lieu thereof the numerals "11,838,311"
- On page 2 of the engrossed bill, line 14, delete the numerals "17,164,382" and insert in lieu thereof the numerals "16,612,934"
- On page 2 of the engrossed bill, line 16, delete the numerals "18,599,542" and insert in lieu thereof the numerals "18,048,094"
- On page 2 of the engrossed bill, line 18, delete the numerals "572,387" and insert in lieu thereof the numerals "556,335"



- On page 2 of the engrossed bill, line 21, delete the numerals "924,719" and insert in lieu thereof the numerals "908,667"
- On page 2 of the engrossed bill, line 23, delete the numerals "799,719" and insert in lieu thereof the numerals "783,667"
- On page 2 of the engrossed bill, line 25, delete the numerals "825,196" and insert in lieu thereof the numerals "809,144"
- On page 2 of the engrossed bill, line 27, delete the numerals "178,073" and insert in lieu thereof the numerals "173,070"
- On page 2 of the engrossed bill, line 30, delete the numerals "336,165" and insert in lieu thereof the numerals "331,162"
- On page 2 of the engrossed bill, line 32, delete the numerals "261,165" and insert in lieu thereof the numerals "256,162"
- On page 2 of the engrossed bill, line 34, delete the numerals "308,765" and insert in lieu thereof the numerals "303,762"
- On page 3 of the engrossed bill, line 1, delete the numerals "210,667" and insert in lieu thereof the numerals "204,850"
- On page 3 of the engrossed bill, line 4, delete the numerals "332,252" and insert in lieu thereof the numerals "326,435"
- On page 3 of the engrossed bill, line 6, delete the numerals "292,252" and insert in lieu thereof the numerals "286,435"
- On page 3 of the engrossed bill, line 8, delete the numerals "332,252" and insert in lieu thereof the numerals "326,435"
- On page 3 of the engrossed bill, line 10, delete the numerals "304,433" and insert in lieu thereof the numerals "295,879"
- On page 3 of the engrossed bill, line 13, delete the numerals "511,409" and insert in lieu thereof the numerals "502,855"
- On page 3 of the engrossed bill, line 15, delete the numerals "293,803" and insert in lieu thereof the numerals "285,249"
- On page 3 of the engrossed bill, line 17, delete the numerals "379,303" and insert in lieu thereof the numerals "370,749"
- On page 3 of the engrossed bill, line 19, delete the numerals "338,181" and insert in lieu thereof the numerals "328,546"
- On page 3 of the engrossed bill, line 22, delete the numerals "492,238" and insert in lieu thereof the numerals "482,603"
- On page 3 of the engrossed bill, line 24, delete the numerals "432,238" and insert in lieu thereof the numerals "422,603"
- On page 3 of the engrossed bill, line 26, delete the numerals "478,738" and insert in lieu thereof the numerals "469,103"
- On page 3 of the engrossed bill, line 28, delete the numerals "556,504" and insert in lieu thereof the numerals "540,698"
- On page 3 of the engrossed bill, line 31, delete the numerals "980,723" and insert in lieu thereof the numerals "964,917"
- On page 3 of the engrossed bill, line 33, delete the word "expenses" and insert in lieu thereof the word "budget" and delete the numerals "689,123" and insert in lieu thereof the numerals "673,317"
- On page 3 of the engrossed bill, line 35, delete the numerals "719,123" and insert in lieu thereof the numerals "703,317"
- On page 4 of the engrossed bill, line 2, delete the numerals "182,931" and insert in lieu thereof the numerals "177,751"
- On page 4 of the engrossed bill, line 5, delete the numerals "600,617" and insert in lieu thereof the numerals "595,437"

- On page 4 of the engrossed bill, line 7, delete the numerals "201,920" and insert in lieu thereof the numerals "196,153"
- On page 4 of the engrossed bill, line 10, delete the numerals "568,513" and insert in lieu thereof the numerals "562,746"
- On page 4 of the engrossed bill, line 12, delete the numerals "518,513" and insert in lieu thereof the numerals "512,746"
- On page 5 of the engrossed bill, line 33, delete the numerals "870,177" and insert in lieu thereof the numerals "500,000"
- On page 6 of the engrossed bill, delete line 1
- On page 6 of the engrossed bill, line 2, delete the words "coal impact office" and insert in lieu thereof the words "transferred by the director of the department of accounts and purchases from the coal development impact fund to the main experiment station operating fund"
- On page 6 of the engrossed bill, delete lines 13 through 34
- On page 7 of the engrossed bill, line 20, delete the numerals "29,057,016" and insert in lieu thereof the numerals "28,364,934"
- On page 7 of the engrossed bill, line 21, delete the numerals "25,394,572" and insert in lieu thereof the numerals "25,176,299"
- On page 7 of the engrossed bill, line 22, delete the numerals "54,451,588" and insert in lieu thereof the numerals "53,541,233"
- And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Extension Division

The salaries and wages line item for the Extension Division is reduced by \$74,000 from the general fund to delete funds for a noncontributory retirement plan.

Main Experiment Station

The salaries and wages line item for the Main Experiment Station is reduced by \$764,541, of which \$551,448 is from the general fund and \$213,093 is from other funds, to delete funds for a noncontributory retirement plan.

Dickinson Experiment Station

The salaries and wages line item for the Dickinson Experiment Station is reduced by \$16,052 from the general fund to delete funds for a noncontributory retirement plan.

Hettinger Experiment Station

The salaries and wages line item for the Hettinger Experiment Station is reduced by \$5,003 from the general fund to delete funds for a noncontributory retirement plan.

Langdon Experiment Station

The salaries and wages line item for the Langdon Experiment Station is reduced by \$5,817 from the general fund to delete funds for a noncontributory retirement plan.

North Central Experiment Station

The salaries and wages line item for the North Central Experiment Station is reduced by \$8,554 from the general fund to delete funds for a noncontributory retirement plan.

Williston Experiment Station

The salaries and wages line item for the Williston Experiment Station is reduced by \$9,635 from the general fund to delete funds for a noncontributory retirement plan.

Carrington Experiment Station

The salaries and wages line item for the Carrington Experiment Station is reduced by \$15,806 from the general fund to delete funds for a noncontributory retirement plan.

Agronomy Seed Farm

The salaries and wages line item for the Agronomy Seed Farm is reduced by \$5,180 from special funds to delete funds for a noncontributory retirement plan.

Central Grasslands Research Station

The salaries and wages line item for the Central Grasslands Research Station is reduced by \$5,767 from the general fund to delete funds for a noncontributory retirement plan.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010

- On page 1 of the engrossed bill, line 17, delete the numerals "13,523,261" and insert in lieu thereof the numerals "12,464,547"
- On page 1 of the engrossed bill, line 18, delete the numerals "12,477,159" and insert in lieu thereof the numerals "11,940,461"
- On page 1 of the engrossed bill, line 19, delete the numerals "640,876" and insert in lieu thereof the numerals "543,228"
- On page 1 of the engrossed bill, line 20, delete the numerals "481,414" and insert in lieu thereof the numerals "495,363"
- On page 1 of the engrossed bill, line 21, delete the numerals "5,317,785" and insert in lieu thereof the numerals "4,787,131"
- On page 1 of the engrossed bill, line 23, delete the numerals "32,635,495" and insert in lieu thereof the numerals "30,425,730"
- On page 1 of the engrossed bill, line 24, delete the numerals "21,226,845" and insert in lieu thereof the numerals "21,109,476"
- On page 1 of the engrossed bill, line 25, delete the numerals "11,408,650" and insert in lieu thereof the numerals "9,316,254"
- On page 1 of the engrossed bill, after line 26, insert the following:

"DIVISION OF COMMUNITY MENTAL HEALTH AND  
ALCOHOL AND DRUG ABUSE

Salaries and wages	\$ 637,381
Operating expenses	342,183
Data processing	97,648
Equipment	17,529
Grants, benefits, and claims	580,654
Total all funds	<u>\$1,675,395</u>
Less estimated income	12,772
Total general fund appropriation	<u>\$1,662,623</u>

## Subdivision 3.

## MENTAL HEALTH AND RETARDATION CENTERS

## SOUTHEAST MENTAL HEALTH AND RETARDATION CENTER

Salaries and wages	\$2,478,496
Operating expenses	1,010,157
Equipment	<u>101,206</u>

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Total all funds	\$3,589,859
Less estimated income	<u>1,602,729</u>
Total general fund appropriation	\$1,987,130

## SOUTH CENTRAL MENTAL HEALTH AND RETARDATION CENTER

Salaries and wages	\$1,381,099
Operating expenses	469,705
Equipment	<u>47,810</u>
Total all funds	\$1,898,614
Less estimated income	<u>479,612</u>
Total general fund appropriation	\$1,419,002

## CENTER FOR HUMAN DEVELOPMENT

Salaries and wages	\$1,681,000
Operating expenses	1,089,302
Equipment	<u>9,500</u>
Total all funds	\$2,779,802
Less estimated income	<u>1,202,412</u>
Total general fund appropriation	\$1,577,390

## MEMORIAL MENTAL HEALTH AND RETARDATION CENTER

Salaries and wages	\$1,884,995
Operating expenses	662,275
Equipment	<u>9,000</u>
Total all funds	\$2,556,270
Less estimated income	<u>569,190</u>
Total general fund appropriation	\$1,987,080

## NORTH CENTRAL MENTAL HEALTH AND RETARDATION CENTER

Salaries and wages	\$1,440,749
Operating expenses	898,891
Equipment	<u>36,391</u>
Total all funds	\$2,376,031
Less estimated income	<u>532,535</u>
Total general fund appropriation	\$1,843,496

- On page 1 of the engrossed bill, delete lines 27 and 28
- On page 2 of the engrossed bill, line 1, delete the numerals "11,055,996" and insert in lieu thereof the numerals "13,200,576"
- On page 2 of the engrossed bill, line 2, delete the numerals "298,436" and insert in lieu thereof the numerals "4,386,478"
- On page 2 of the engrossed bill, line 3, delete the numerals "10,757,560" and insert in lieu thereof the numerals "8,814,098"
- On page 2 of the engrossed bill, line 4, delete the numerals "22,166,210" and insert in lieu thereof the numerals "19,792,975"
- On page 2 of the engrossed bill, line 5, delete the numerals "21,525,281" and insert in lieu thereof the numerals "25,508,726"
- On page 2 of the engrossed bill, line 6, delete the numerals "43,691,491" and insert in lieu thereof the numerals "45,301,701"
- On page 2 of the engrossed bill, delete lines 7 through 16
- On page 2 of the engrossed bill, delete lines 31 through 34
- On page 3 of the engrossed bill, delete lines 1 and 2
- On page 3 of the engrossed bill, line 6, delete the word "health" and insert in lieu thereof the words "human services"
- On page 3 of the engrossed bill, delete lines 10 through 15
- On page 3 of the engrossed bill, after line 21, insert the following:

"SECTION 6. MENTAL HEALTH, ALCOHOL AND DRUG ABUSE, AND MENTAL HEALTH AND RETARDATION UNITS. The control over the appropriations in subdivision 2 and subdivision 3 of section 1 of this Act shall be transferred to the department of human services upon the effective date of House Bill No. 1418.

SECTION 7. HUMAN SERVICE CENTER AND MENTAL HEALTH AND RETARDATION CENTER APPROPRIATIONS. Moneys shall be disbursed to human service centers and mental health and retardation centers pursuant to the provisions of Senate Bill Nos. 2010 and 2011, except that, upon reports being furnished to the governor by the department of human services indicating a need for a transfer of moneys between centers, the governor may authorize transfers of funds between centers."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Salaries and wages

The salaries and wages line item of the Health Department is reduced by \$1,058,714 resulting from the following adjustments:

1. The amount included for a noncontributory retirement program of \$444,528 is deleted (\$244,490 federal funds, \$200,038 general funds).
2. Salaries for the Division of Community Mental Health and Alcohol and Drug Abuse in the amount of \$637,381 are deleted from subdivision 1, the total Health Department budget, but are included in subdivision 2. These amounts will be transferred to the department of human services upon the effective date of House Bill No. 1418 (all general funds).
3. An amount of \$23,195 is added for an ICF/MR clerk which represents a transfer of moneys for that position from the deinstitutionalization appropriation in Senate Bill No. 2011 (\$17,396 federal funds, \$5,799 general funds).

Operating Expenses

The operating expense line item of the Health Department is reduced by \$536,698 resulting from the following adjustments:

1. The general fund amount of \$265,954 included for rent in the new office building which the Health Department will not need to pay is deleted.
2. An amount of \$46,041 is added which represents the operating moneys transferred from Senate Bill No. 2011 for the ICF/MR clerk position (\$34,531 in federal funds, \$11,510 in general funds).
3. An amount of \$75,226 (all federal funds) is added for professional fees to contract with the State Water Commission and the State Geologist for their effort toward the Health Department underground injection control program.
4. There is \$49,828 deleted in travel of which \$38,368 is federal funds and \$11,460 is general funds.
5. An amount of \$342,183 (all general funds) is deleted from subdivision 1, the total Health Department budget, but are included in subdivision 2 for the Division of Community Mental Health and Alcohol and Drug Abuse.

Data Processing

This amendment deletes \$97,648 from subdivision 1, the Health Department budget, which amount is included in subdivision 2, the appropria-

tion for mental health and alcohol and drug abuse (all general funds).

#### Equipment

This amendment increases the equipment line item by \$13,949 which results from the following adjustments:

1. An amount of \$1,478 is added for the ICF/MR position which is transferred from Senate Bill No. 2011 (\$1,108 federal funds, \$370 general funds).
2. An amount of \$30,000 (all general funds) is added for the purchase of a computer to maintain a billing and accounts receivable system for the laboratory. This amount was included in the executive budget.
3. An amount of \$17,529 is deleted from subdivision 1, the Health Department, but is included in subdivision 2, the appropriation for the Division of Community Mental Health and Alcohol and Drug Abuse (all general funds).

#### Grants

This amendment decreases the grants line item of the Health Department by \$530,654 resulting from the following adjustments:

1. For the improved child health program for the Standing Rock Indian Reservation, \$50,000 in federal funds is added to expand and improve maternal and child health care on the reservation.
2. The amount of \$580,654, of which \$12,772 is federal funds and \$567,882 is general funds, is deleted from subdivision 1, the total Health Department budget, but is included in subdivision 2, the appropriation for the Division of Community Mental Health and Alcohol and Drug Abuse.

#### Mental Health and Retardation and Human Service Centers

The line item amounts of \$8,964,014 for the mental health centers and \$2,091,982 for the human service centers are deleted and separate line item appropriations are included for each center; the mental health center appropriations are included in Senate Bill No. 2010 and the human service center appropriations are included in Senate Bill No. 2011. These appropriations include the estimated income amounts estimated by each center. Each center appropriation provides for the continuation of current operations at the present operating level except at the Southeast Mental Health and Retardation Center. It is the intent of the Legislative Assembly that the reductions in personnel come primarily from the area of administration.

#### Summary

The total general fund appropriation in engrossed Senate Bill No. 2010 is decreased by \$2,373,235. This change resulted from the following:

Reductions:	
Rent for new office building	\$ 265,954
Travel	11,460
4 percent retirement	200,038
Human service centers <u>1/</u>	<u>\$2,075,471</u>
Total	\$2,552,923
Less:	
Additions:	
ICF/MR clerk	\$ 17,679
Laboratory computer	30,000
Mental health centers	<u>132,009</u>
Total	\$ 179,688

Net general fund decrease \$2,373,235

1/ The appropriations for the human service centers are included in Senate Bill No. 2011.

The total special funds appropriation in engrossed Senate Bill No. 2010 is increased by \$3,983,445. This change resulted from the following:

Additions:	
Mental health centers 2/	\$4,104,553
ICF/MR clerk	53,035
Improved child health grant	50,000
Underground injection control	<u>75,226</u>
Total	\$4,282,814
Less:	
Reductions:	
Travel	\$ 38,368
4 percent retirement	244,490
Human service centers	<u>16,511</u>
Total	\$ 299,369
Net increase in special funds	<u>\$3,983,445</u>

2/ The original appropriation in Senate Bill No. 2010 for the mental health centers did not appropriate the estimated income of each center.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

- On page 1 of the engrossed bill, line 15, delete the numerals "159,910" and insert in lieu thereof the numerals "154,885"
  - On page 1 of the engrossed bill, line 16, delete the numerals "163,310" and insert in lieu thereof the numerals "187,284"
  - On page 1 of the engrossed bill, line 18, delete the numerals "324,020" and insert in lieu thereof the numerals "342,969"
  - On page 1 of the engrossed bill, line 20, delete the numerals "224,020" and insert in lieu thereof the numerals "242,969"
  - On page 2 of the engrossed bill, line 10, after the word "youth" and before the comma insert the following: ", commission on the status of women"
  - On page 2 of the engrossed bill, line 19, delete the numeral "0" and insert in lieu thereof the numerals "23,974"
  - On page 2 of the engrossed bill, line 22, delete the numerals "163,310" and insert in lieu thereof the numerals "187,284"
  - On page 2 of the engrossed bill, delete lines 23 through 32
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Governor's Council on Human Resources is reduced by \$5,025 from the general fund to delete funds for a noncontributory retirement plan.

The operating expenses line item is increased by \$23,974 to allow funding for the Commission on the Status of Women, which was deleted in the Senate version.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2018

- On page 1 of the engrossed bill, line 14, delete the numerals "1,274,742" and insert in lieu thereof the numerals "1,160,179"

On page 1 of the engrossed bill, line 18, delete the numerals "1,638,381" and insert in lieu thereof the numerals "1,523,818"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Department of Banking and Financial Institutions is reduced by \$114,563 from the general fund, this consists of \$41,259 to delete funds for a noncontributory retirement plan and \$73,304 to delete funds for an attorney III position. It is the intent of this amendment that legal services will be provided to the department by the Attorney General's office.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2153

On page 1, line 5 of the reengrossed bill, delete the semicolon and the words "; and to provide an appropriation"

On page 5, line 23 of the reengrossed bill, after the word "two" add the words "and one-half"

On page 6 of the reengrossed bill, delete lines 31 through 35.

STATEMENT OF PURPOSE

The appropriation is deleted as these funds are provided for in HB 1002

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2253

On page 1 of the engrossed bill, line 15, delete the word "or"

On page 1 of the engrossed bill, line 16, delete the words "constitutes a substantial handicap"

On page 1 of the engrossed bill, line 23, after the word "restrictive" insert the word "appropriate"

On page 2 of the engrossed bill, line 7, delete the words "Services include"

On page 2 of the engrossed bill, delete lines 8 through 17

On page 2 of the engrossed bill, line 19, after the word "RESTRICTIVE" insert the word "APPROPRIATE"

On page 2 of the engrossed bill, line 24, after the word "restrictive" insert the word "appropriate"

On page 3 of the engrossed bill, delete lines 19 through 21

On page 4 of the engrossed bill, line 28, delete the word "or" and insert in lieu thereof a comma

On page 4 of the engrossed bill, line 29, after the word "order" and before the period insert the following: ", or the use would be inconsistent with the resident's individual habilitation plan"

On page 7 of the engrossed bill, line 22, after the word "attorney" delete the remainder of the line

On page 7 of the engrossed bill, delete line 23

On page 7 of the engrossed bill, line 35, delete the words "under the supervision of" and insert in lieu thereof the words "planned by"

On page 8 of the engrossed bill, line 2, delete the words "through the age of twenty-one"



On page 8 of the engrossed bill, line 3, after the word "restrictive" insert the word "appropriate" and after the word "setting" and before the period insert the words "in accordance with chapter 15-59"

Engrossed Senate Bill 2253

On page 8 of the engrossed bill, delete lines 22 and 23

On page 8 of the engrossed bill, line 24, delete the numeral "5" and insert in lieu thereof the numeral "4"

On page 8 of the engrossed bill, delete lines 27 through 29

On page 8 of the engrossed bill, line 30, delete the numeral "8" and insert in lieu thereof the numeral "5" and delete the comma and words ", including their"

On page 8 of the engrossed bill, line 31, delete the word and comma "qualifications,"

On page 8 of the engrossed bill, line 33, delete the numeral "9" and insert in lieu thereof the numeral "6"

On page 9 of the engrossed bill, delete lines 1 and 2

On page 9 of the engrossed bill, line 19, delete the word "twelve" and insert in lieu thereof the word "eighteen"

On page 9 of the engrossed bill, delete lines 28 through 31 and insert in lieu thereof the following: "proceeding to enforce these rights the court may, in its discretion, award reasonable attorneys' fees and costs to a successful plaintiff. A developmentally disabled person who is successful in an administrative proceeding may also be awarded reasonable attorneys' fees and costs. Any award of attorneys' fees and costs shall be"

On page 9 of the engrossed bill, line 32, delete the words and comma "to reasonable attorneys' fees and costs,"

And renumber the lines and pages accordingly

## 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. 2039

ROY GILBREATH, Chief Clerk

### House Chamber

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

House Bill No. 1042  
 House Bill No. 1064  
 House Bill No. 1184  
 House Bill No. 1197  
 House Bill No. 1249  
 House Bill No. 1267  
 House Bill No. 1313  
 House Bill No. 1328  
 House Bill No. 1411  
 House Bill No. 1424  
 House Bill No. 1435  
 House Bill No. 1502  
 House Bill No. 1504  
 House Bill No. 1512  
 House Bill No. 1532  
 House Bill No. 1541  
 House Bill No. 1554

House Bill No. 1593

House Bill No. 1635

House Concurrent Resolution No. 3053

House Concurrent Resolution No. 3055

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

ROY GILBREATH, Chief Clerk

### 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-seventh day and

finds the same to be correct.

Senator Walsh prevailed.

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

### MESSAGE FROM THE HOUSE House Chamber

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

House Bill No. 1341

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

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. 2101  
Senate Bill No. 2370  
Senate Bill No. 2389  
Senate Bill No. 2394  
Senate Bill No. 2417  
Senate Bill No. 2431  
Senate Bill No. 2437

and find the same correctly } Enrolled

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

Chairman  
Stella H. Fritzell  
Stella Fritzell

### MESSAGE TO THE HOUSE Senate Chamber

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

House Bill No. 1001

Senators:

Senator Melland

Senator Streibel

Senator Walsh

House Bill No. 1004

Senators:

Senator Wenstrom

Senator Vosper  
Senator Shablow  
House Bill No. 1008

Senators:

Senator Fritzell  
Senator Naaden  
Senator Walsh  
House Bill No. 1199

Senators:

Senator Goodman  
Senator Moore  
Senator Shablow

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

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. 2020  
Senate Bill No. 2022  
Senate Bill No. 2023  
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. 2217  
Senate Bill No. 2271

And subsequently passed the same, but refused to concur in the House amendment to:

Senate Bill No. 2019  
Senate Bill No. 2025  
Senate Bill No. 2092  
Senate Bill No. 2289

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

Senate Bill No. 2019

Senators:

Senator Fritzell  
Senator Vosper  
Senator Walsh  
Senate Bill No. 2025

Senators:

Senator Melland  
 Senator Hanson  
 Senator Grotberg  
 Senate Bill No. 2092

Senators:

Senator Thane  
 Senator Naaden  
 Senator Walsh  
 Senate Bill No. 2289

Senators:

Senator Melland  
 Senator Streibel  
 Senator Stromme

Very respectfully,

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:  
 House Bill No. 1341

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:  
 House Bill No. 1341  
 Which the President has signed.

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:  
 House Bill No. 1593  
 and subsequently passed the same.  
 Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to:  
 House Bill No. 1009  
 House Bill No. 1011  
 House Bill No. 1013  
 House Bill No. 1021  
 and subsequently passed the same.  
 Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:  
 Senate Bill No. 2249

Reps.:

Rep. Hughes  
 Rep. Moore  
 Rep. Berg  
 Very respectfully,

ROY GILBREATH, Chief Clerk

CONFIRMATION SESSION

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

**REPORT OF SELECT COMMITTEES**

Mr. President : Your Select Committee appointed to

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

- Mrs. Sheila Robinson, Cleharbor
- Mrs. Mabel Olson, Velva
- Mr. Al Spielman, Fargo
- Mr. Enoch Thorsgard, Northwood
- Mr. Patrick DeForest, Bismarck
- Mr. Harold Schafer, Medora
- Mr. Arthur Todd, Jamestown
- Mr. Oliver Borlaug, Washburn

  
 Senator Wright  
 Chairman

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

Mr. President : Your Select Committee appointed to

consider the nomination of Securities Commissioner do advise and consent to the appointment of:

Mr. Dale V. Sandstrom, Bismarck

Senator Mutch   
 Chairman

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

**MOTIONS**

Senator Nething moved that the select committees appointed to confirm the nominations be dismissed, which motion prevailed.

Senator Nething moved that the Senate dissolve the confirmation session, which motion prevailed.

Senator Nething moved that the select committee that was appointed concerning Senate Resolution No. 1 be dismissed, which motion prevailed.

**MOTION TO RECONSIDER**

Senator Nething moved that the Senate reconsider its action whereby

House Bill No. 1039 passed, which motion prevailed.

ROLL CALL

The question being on the motion to reconsider House Bill No. 1039, 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			REGULAR SESSION			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

The motion to reconsider House Bill No. 1039 prevailed.

SECOND READING OF HOUSE BILLS

**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.

Senator Olin moved that House Bill No. 1039 be amended as follows:

On page 1 of the engrossed bill, line 8, delete the word "energy" and insert in lieu thereof the word "coal"

On page 2 of the engrossed bill, line 2, delete the word "energy" and insert and insert in lieu thereof the word "coal"

And renumber the lines and pages accordingly

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.

**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 49, nays 0, absent not voting 1.

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

So the bill passed and the title was agreed to.

Senator Nething 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.

CONSIDERATION OF AMENDMENTS

Senator Goodman moved that the amendments to House Bill No. 1641 recommended by the Committee on Finance and Taxation and printed on page 1470 of the Senate Journal be adopted, which motion prevailed.

Senator Adams moved that the rules be suspended, that House Bill No. 1641 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

**House Bill No. 1641.** — A Bill for an Act to provide for a tax on motor vehicle fuel and special fuel used in motor vehicles to be allocated to townships.

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 15, nays 34, 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		●			● TALLACKWON
● BARTH			● ISZLER		●	● PARKER		●			● TENNEFOS
● BERUBE		●	● LASHKOWITZ		●	● PETERSON		●			● THANE
● CHRISTENSEN, H. #5		●	● LEE		●	● QUAIL		●			● TIERNEY
● CHRISTENSEN, R. #26		●	● LEIBHAN		●	● REDLIN		●	●	●	● TWETEN
● CUSSONS			● LIPS		●	● REITEN		●			● VOSPER
● DOTZENROD			● LODGEN		●	● ROEN		●			● WALSH
● DYKSHOORN		●	● MELLAND		●	● SHARLOW		●	●		● WENSTROM
● ERICKSON			● MOORE		●	● SOLBERG		●			● WRIGHT
● FRITZELL		●	● MUTCH		●	● SORUM		●			● MR. PRESIDENT
● GOODMAN		●	● NAADEN		●	● STENEHJEM		●			

House Bill No. 1641 was declared lost.

Senator Goodman moved that the following amendments be substituted for those in the committee report as printed on page 1318 of the Senate Journal on House Bill No. 1374.

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 section 3 of Senate Bill No. 2323, as approved by the forty-seventh legislative assembly, relating to protection of property taxpayers and taxing districts for 1981 and 1982; to amend and reenact section 57-02-28 of the North Dakota Century Code, as contained in section 8 of Senate Bill No. 2323 as approved by the forty-seventh legislative assembly, sections 57-02-34, 57-12-09, and 57-20-07.1, subdivision m of subsection 1 of section 57-38-01.2, and section 57-38-70 of the North Dakota Century Code, relating to the valuation basis for computation of property taxes, listing of real property for taxation, notice of increased assessment to real estate owners, and mailing of real estate tax statements by county treasurers, and claim for income tax deductions when land is sold or rented to a beginning farmer; to provide that the provisions of this Act are contingent upon the effectiveness of Senate Bill No. 2323, as approved by the forty-seventh legislative assembly; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 3 of Senate Bill No. 2323 as enacted by the forty-seventh legislative assembly is hereby amended and reenacted to read as follows:

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## SECTION 3. PROTECTION OF TAXPAYERS AND TAXING DISTRICTS FOR 1981 AND 1982 - EXCEPTIONS AND LIMITATIONS.

1. Each taxing district may levy in 1981 and 1982 the same amount in dollars as that taxing district levied the prior year plus seven percent, subject to the adjustments provided in this section.
2. No taxing district may levy more taxes expressed in dollars in 1981 and 1982 than the amounts provided in this section.
3. The amount which may be levied by any taxing district in 1981 and 1982 shall be:
  - a. Reduced by an amount equal to the sum determined by the application of the mill levies for that taxing district to the final assessed valuation of any ~~land-or taxable-improvements-to-real~~ property which is removed from the assessment rolls of that taxing district after the prior year but was included in the assessment for the prior year.
  - b. Increased by an amount equal to the sum determined by the application of any mill levies authorized by law but not levied by the governing body of the taxing district for the prior year and any mill levies specifically authorized by the electors of that taxing district but not levied for the prior year to the ~~final~~ net assessed valuation of the taxable property in that taxing district.
  - c. Increased by an amount equal to the sum determined by the application of the mill levies for that taxing district to the ~~final~~ net assessed valuation of any ~~land and taxable improvements-to-real~~ property which was not taxable in the prior year or was omitted from the assessment rolls for that year but which is included in the assessment for the current year.
  - d. Increased to reflect new or increased mill levies authorized by the forty-seventh legislative assembly or if the electors of the taxing district authorize additional levies after the effective date of this Act at either a special or regular election as provided by law.
4. The limitation on the amount which may be levied by a taxing district pursuant to this section shall not apply to the Fargo school district or to any school district in which the electors have approved unlimited mill levies as provided by law.
5. The provisions of this section shall supersede any applicable mill levy limitations otherwise provided by law for 1981 and 1982, but the provisions of this section shall not apply to any of the following:
  - a. Any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
  - b. The one-mill levy for the state medical center authorized by section 10 of



article X of the ~~amendments-to-the~~  
Constitution of North Dakota.

6. The provisions of this section shall not apply to any city which has adopted a home rule charter unless the provisions of the charter specifically provide that state laws related to property tax levy limitations shall apply.

SECTION 2. AMENDMENT. Section 57-02-28 of the North Dakota Century Code, as contained in section 8 of Senate Bill No. 2323 as approved by the forty-seventh legislative assembly, is hereby amended and reenacted to read as follows:

57-02-28. BASIS FOR COMPUTATION OF TAX. The value of all property subject to a general property tax, not exempted by law nor subject to any gross sales or other lieu tax, to be used in the computation of the tax levied for the payment of any bonded or improvement warrant indebtedness shall be the assessed valuation thereof, but the net value of such property to be used in the computation of all other taxes levied thereon shall be fifty percent of the assessed valuation thereof and the resulting amount shall be known as the taxable or net assessed valuation. Assessors and boards of review shall assess and return all taxable property at its assessed valuation, and the county auditor, after equalization by the state board of equalization, shall make the computation necessary to ascertain said fifty percent value.

SECTION 3. AMENDMENT. Section 57-02-34 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-02-34. WHEN AND HOW ASSESSMENT MADE. The assessor shall perform the duties required of him during the twelve-month period prior to April first and in the following manner: He shall determine both the true and full value as defined by law and the assessed value of each tract or lot of real property listed for taxation, and shall enter ~~the value thereof~~ those values in one column separate columns, and the true and full value and assessed value of all improvements and structures taxable thereon in another column separate columns, opposite such description of property, and in another column shall show the total assessed value of the property by adding the totals of the two previous assessed value columns.

SECTION 4. AMENDMENT. Section 57-12-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-12-09. WRITTEN NOTICE OF INCREASED ASSESSMENT TO REAL ESTATE OWNER. When any assessor has increased the assessed valuation of any lot or tract of land together with any improvements thereon by fifteen percent or more of the last assessment, written notice of the amount of increase over the last assessment, and the amount of the last assessment shall be delivered by such assessor to the property owner or mailed to him at his last known address except that no such notice need be delivered or mailed if the assessment is increased by less than three hundred dollars. The tax commissioner shall prescribe suitable forms for this notice and such notice shall also show the ~~estimated-market~~ true and full value as defined by law of the property, including such improvements, that the assessor used in making the assessment for the current year and for the year in which the last assessment was made and shall also show the date prescribed by law for the meeting of the local equalization board of the assessment district in which the property is located and the meeting date of the

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county equalization board. Such notice shall be mailed or delivered to the property owner at least ten days in advance of the meeting date of the local equalization board and shall be mailed or delivered at the expense of the assessment district for which the assessor is employed.

SECTION 5. AMENDMENT. Section 57-20-07.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-20-07.1. COUNTY TREASURER TO MAIL REAL ESTATE TAX STATEMENT. On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at his last known address. Such tax statements shall include a dollar valuation of the ~~estimated-current market~~ true and full value as defined by law of the property and the total mill levy applicable. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline.

SECTION 6. AMENDMENT. Subdivision m of subsection 1 of section 57-38-01.2 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- m. Reduced by the amount of interest received during that taxable year on a contract for deed on the sale of eighty or more acres [32.37 or more hectares] of agricultural land to a beginning farmer. The contract for deed must extend for not less than fifteen years and have an annual interest rate of not more than six percent. In order for an individual, estate, or trust to qualify for this reduction, the taxpayer must obtain a notarized statement from the buyer containing a list of the buyer's assets and debts and giving the buyer's net worth, together with such other information as the state tax commissioner may require. The value placed on any real property located in North Dakota and owned by the buyer shall be the amount listed as the ~~current-market~~ true and full value on the most recent real estate tax statement for that particular piece of property. In determining the net worth of any person, including his dependents and spouse, if any, for purposes of this subdivision, the value of their equity in their principal residence, the value of one personal or family motor vehicle, and the value of their household goods, including furniture, appliances, musical instruments, clothing, and other personal belongings shall not be included. This statement shall be filed along with the income tax return. For the purposes of this subdivision, "beginning farmer" means any person who:
- (1) Is a resident of this state.
  - (2) Receives more than half his annual income from farming, unless the person initially commences farming during the tax year for which an adjustment will be claimed under this subdivision.
  - (3) Intends to use any farmland that he wishes to purchase or rent for agricultural purposes.

- (4) Has had adequate training, by experience or education, in the type of farming operation which he wishes to begin.
- (5) Has, including the net worth of his dependents and spouse, if any, a net worth of less than fifty thousand dollars.

Provided, however, that each adjustment in the above subdivisions authorized under law shall be allowed only to the extent that the adjustment is allocated and apportioned to North Dakota income.

SECTION 7. AMENDMENT. Section 57-38-70 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-70. CLAIM FOR INCOME TAX DEDUCTION FOR LAND SALE OR RENTAL TO A BEGINNING FARMER. In order for a taxpayer to qualify for the deductions provided in sections 57-38-67 through 57-38-70, the taxpayer shall file with his state income tax return a notarized statement from the beginning farmer who purchased or rented land from him containing a list of the assets, debts, and net worth of the beginning farmer, together with such other information as the state tax commissioner may require. The value placed on any real property located in North Dakota and owned by the buyer shall be the amount listed as the current-market true and full value on the most recent real estate tax statement for that particular piece of property. In order for a taxpayer to qualify for the deduction for rental income provided in section 57-38-69, the taxpayer shall certify on his tax return that any rental arrangement with any other person was not canceled for the purpose of qualifying for this deduction.

SECTION 8. CONTINGENT EFFECTIVENESS OF ACT. The provisions of this Act shall not become effective if for any reason Senate Bill No. 2323 as approved by the forty-seventh legislative assembly does not become effective, nor shall the provisions of this Act continue in effect if this Act does become effective and any part of Senate Bill No. 2323 as approved by the forty-seventh legislative assembly is disapproved by gubernatorial veto or referral.

SECTION 9. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines and pages accordingly

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

Senator Goodman moved that the rules be suspended, that House Bill No. 1374 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**House Bill No. 1374.** — A Bill for an Act to amend and reenact section 3 of Senate Bill No. 2323, as approved by the forty-seventh legislative assembly, relating to protection of property taxpayers and taxing districts for 1981 and 1982; to amend and reenact section 57-02-28 of the North Dakota Century Code, as contained in section 8 of the Senate Bill No. 2323 as approved by the forty-seventh legislative assembly, sections 57-02-34, 57-12-09, and 57-20-07.1, subdivision m of subsection 1 of section 57-38-01.2, and section 57-38-70 of the North Dakota Century Code, relating to the valuation basis for computation of property taxes,



Senate Concurrent Resolution No. 4008  
Senate Concurrent Resolution No. 4043  
Senate Concurrent Resolution No. 4085  
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

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

The Senate reconvened, with President Sands presiding.

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4027

\_\_\_\_\_ WAS \_\_\_\_\_ delivered to the } Secretary of State for his filing  
on March 27, 1981,  
(date)

*Stella H. Fritzell*  
Stella Fritzell Chairman  
NOT BOUGHT OR SOLD SEPARATELY

The committee on Enrollment and Engrossment respectfully reports that:

- ~~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~~

\_\_\_\_\_ WERE \_\_\_\_\_ delivered to the } Governor for his approval  
on March 27, 1981.

*Stella H. Fritzell*  
Stella Fritzell Chairman  
NOT BOUGHT OR SOLD SEPARATELY

**SIGNING OF BILLS AND RESOLUTIONS**

The Secretary announced that the President signed the following:

- Senate Bill No. 2101
- Senate Bill No. 2370
- Senate Bill No. 2389
- Senate Bill No. 2394
- Senate Bill No. 2417
- Senate Bill No. 2431
- Senate Bill No. 2437

LEO LEIDHOLM, Secretary  
MESSAGE TO THE HOUSE  
Senate Chamber

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

- Senate Bill No. 2101
- Senate Bill No. 2370

- Senate Bill No. 2389
- Senate Bill No. 2394
- Senate Bill No. 2417
- Senate Bill No. 2431
- Senate Bill No. 2437

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

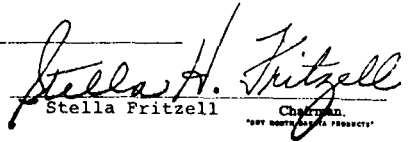
LEO LEIDHOLM, Secretary

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

- ~~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~~


\_\_\_\_\_ were delivered to the } Governor for his approval  
on March 27, 1981.

  
 Stella Fritzell Chairman  
"NOT SOUTH AFRICA PRODUCTS"

The committee on Enrollment and Engrossment respectfully reports that:

- ~~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~~

\_\_\_\_\_ were delivered to the } Secretary of State for his filing  
on March 27, 1981  
(date)

  
 Stella Fritzell Chairman  
"NOT SOUTH AFRICA PRODUCTS"

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**  
Senator Tweten moved that Senate Bill No. 2046 be re-referred to the

conference committee, which motion prevailed.

**MOTION**

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2005, 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. 2005:

- Senator Hanson, Chairman
- Senator Lips
- Senator Walsh

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2009, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2009 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. 2009.** — A Bill for an Act making an appropriation for defraying the expenses of the extension division and the experiment stations of North Dakota state university of agriculture and applied science; 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						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			● ISLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

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

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2010 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. 2010:

- Senator Melland, Chairman
- Senator Lips
- Senator Walsh

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2012 which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2012 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.





the North Dakota Century Code, relating to the state cooperation in special education and levy limitations for special education programs; and to provide an appropriation.

Which has been read.

**ROLL CALL**

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

REGULAR SESSION									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			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. JS			● LEIBHAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● 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 H. Christensen moved that the Senate do concur in the House amendments to Senate Bill No. 2253, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that Senate Bill No. 2253 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

Which has been read.

**ROLL CALL**

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

REGULAR SESSION									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			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. JS			● LEIBHAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

**Report of Conference Committees**

Mr. \_\_\_\_\_ President \_\_\_\_\_: Your Conference Committee to whom was referred \_\_\_\_\_ Senate \_\_\_\_\_ Bill No. 2364 \_\_\_\_\_ has had the same under consideration and recommends:

that the House recede from its amendments.

For the Senate	For the House
Sen. Adams <u><i>Mark Adams</i></u>	Rep. Goetz <u><i>Wm. Goetz</i></u>
Sen. Goodman <u><i>Goodman</i></u>	Rep. Mattson <u><i>Ray Matt</i></u>
Sen. Shablow <u><i>Shablow</i></u>	Rep. Kelly <u><i>John Kelly</i></u>

\_\_\_\_\_ Senator Adams \_\_\_\_\_ moved that the report be adopted, which motion prevailed.

Mr. PRESIDENT : Your Conference Committee to whom was referred HOUSE Bill No. 1284 has had the same under consideration and recommends:

That the House accede to the Senate amendments

For the Senate	For the House
Sen. Goodman <u><i>Goodman</i></u>	Rep. A. Olson <u><i>Olson</i></u>
Sen. Moore <u><i>Don Moore</i></u>	(REFUSED TO SIGN)
Sen. Shablow <u><i>Shablow</i></u>	Rep. Maglin <u><i>Maglin</i></u>
_____ Senator Goodman _____	Rep. Kelly <u><i>Kelly</i></u>

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

### MESSAGES FROM THE HOUSE House Chamber

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

Senate Bill No. 2007  
Senate Bill No. 2060  
Senate Bill No. 2372

ROY GILBREATH, Chief Clerk

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

- On page 1 of the engrossed bill, line 24, delete the numerals "2,144,350" and insert in lieu thereof the numerals "2,439,531"
- On page 1 of the engrossed bill, line 25, delete the numerals "1,742,601" and insert in lieu thereof the numerals "1,414,273"
- On page 1 of the engrossed bill, line 27, delete the numerals "24,000" and insert in lieu thereof the numerals "90,200"
- On page 1 of the engrossed bill, line 28, delete the numerals "4,009,551" and insert in lieu thereof the numerals "4,042,604"
- On page 2 of the engrossed bill, line 1, delete the numerals "2,545,075" and insert in lieu thereof the numerals "2,578,128"
- On page 2 of the engrossed bill, line 9, delete the numerals "2,064,294" and insert in lieu thereof the numerals "2,021,294"
- On page 2 of the engrossed bill, line 10, delete the numerals "1,054,370" and insert in lieu thereof the numerals "1,097,370"
- On page 2 of the engrossed bill, line 11, delete the numerals "6,068,036" and insert in lieu thereof the numerals "6,111,036"
- On page 2 of the engrossed bill, line 12, delete the numerals "11,456,634" and insert in lieu thereof the numerals "11,446,687"

On page 2 of the engrossed bill, delete line 13 and insert in lieu thereof the following line:

"Grand total all funds appropriated \$17,557,723"

On page 2 of the engrossed bill, after line 26, insert the following:

"SECTION 4. APPROPRIATION - LOAN. There is hereby appropriated out of the general fund in the state treasury, \$200,000, or so much thereof as may be necessary, to the department of accounts and purchases for the purpose of making a loan to Lake Region junior college to pay operating expenses during the year ending June 30, 1983. The director of the department of accounts and purchases shall make such loan funds available to Lake Region junior college only upon budget section approval. Such amounts received pursuant to this appropriation by Lake Region junior college shall be paid to the state treasurer on or before July 1, 1983, at a simple rate of interest of ten percent per annum."

On page 2 of the engrossed bill, delete lines 27 through 33

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Lake Region Junior College

The salaries and wages line item of Lake Region Junior College is increased by \$295,181 and the operating expenses line item is reduced by \$328,328. This represents a transfer of fringe benefits originally in the operating expenses line item to the salaries and wages line item and a further reduction of operating expenses by \$33,147. The land, structures, and major improvements line item is increased by \$66,200 for repairs including repair of driveway and parking lot surfaces. The estimated income line of Lake Region Junior College is increased by \$33,053. The general fund appropriation is not changed from engrossed Senate Bill No. 2007. Also, there is \$200,000 appropriated to the Department of Accounts and Purchases to make a loan to Lake Region Junior College to pay operating expenses during the year ending June 30, 1983.

UND-Williston Center

This amendment deletes \$43,000 from the estimated income line of UND-Williston Center and adds \$43,000 to the general fund appropriation for ten percent salary increases provided January 1, 1981 at UND-Williston.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2060

On page 1, line 1 of the reengrossed bill, delete the words "and to"

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

On page 1, line 4 of the reengrossed bill, delete the words "individuals; and to provide an appropriation"

On page 6 of the reengrossed bill, delete lines 14 through 16

On page 7 of the reengrossed bill, delete lines 9 through 35

On page 8 of the reengrossed bill, delete lines 1 through 16

And renumber the lines, pages and sections accordingly

STATEMENT OF PURPOSE OF AMENDMENT

Deletes the appropriation and the authority to provide grants to home health agencies.

HOUSE AMENDMENTS TO SENATE BILL NO. 2372

Delete the following amendments adopted by the House:

"" On page 1 of the engrossed bill, line 4, delete the following: "to authorize the issuance of revenue bonds;"

On page 1 of the engrossed bill, line 5, delete the word "an" and insert in lieu thereof the words "a transfer and"

On page 3 of the engrossed bill, delete lines 31 through 35 and insert in lieu thereof the following:

"SECTION 5. TRANSFER AND APPROPRIATIONS. There is hereby transferred from the undivided profits of the North Dakota mill and elevator association, and appropriated to North Dakota state university for the construction and equipping of a facility at North Dakota state university for use by the northern crops institute, the sum of \$1,500,000, or so much thereof as may be necessary. The moneys shall be transferred from the undivided profits of the North Dakota mill and elevator association upon order of the state industrial commission at such time or times as may be requested by the board of higher education, or its designee."

On page 4 of the engrossed bill, delete lines 1 through 16 ""

On page 1 of the engrossed bill, line 4, delete the words and semicolon "to authorize the issuance of revenue bonds;"

On page 3 of the engrossed bill, delete lines 31 through 35 and insert in lieu thereof the following new section:

"SECTION 5. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds, private funds, or other income to the northern crops institute of the state of North Dakota, for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1981, and ending June 30, 1983, as follows:

Operating expenses	\$ 100,000
Equipment	200,000
Total all funds	300,000
Less other funds appropriated	<u>\$ 240,000</u>
Total general fund transfer and appropriation"	60,000

On page 4 of the engrossed bill, delete lines 1 through 16

And renumber the lines and pages accordingly

#### House Chamber

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

House Bill No. 1132

House Bill No. 1225

House Bill No. 1418

Very respectfully,

ROY GILBREATH, Chief Clerk

#### MOTIONS

Senator Melland moved that Senate Bill Nos. 2005 and 2010 be re-

engrossed, which motion prevailed.

Senator Melland moved that the Senate reconsider its action whereby House Bill No. 1243 lost, which motion prevailed on a division vote.

### Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred SENATE Bill No. 2204 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill 2204 be amended as follows:

On page 6, line 33 of the engrossed bill, delete the words "such property is the subject of an" and insert in lieu thereof the words "the interstate commerce commission, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of the rail service on the property"

On page 6 of the engrossed bill, delete line 34

On page 6 of the engrossed bill, delete the word "commission"

And renumber the lines and pages accordingly

For the Senate  
*Sen Erickson*  
\_\_\_\_\_  
SENATOR ERICKSON  
*Sen Tennessee*  
\_\_\_\_\_  
SENATOR TENNEFOS  
*Sen Lashkowitz*  
\_\_\_\_\_  
SENATOR LASHKOWITZ

For the House  
\_\_\_\_\_  
REP. PELTIER  
\_\_\_\_\_  
REP. OLSON  
*Rep Olson*  
\_\_\_\_\_  
REP. REHL refused to sign

SENATE Bill No. 2204 was placed on the Seventh

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1058 has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1058 be further amended as follows:

On page 2 of the engrossed bill, line 16, after the word "care" insert the following: "or, if selected by the eligible person, chiropractic care"

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

"c. Covered expenses shall also include, at the option of the eligible person, the usual and customary charges for professional services rendered by a chiropractor and for services and articles prescribed by a chiropractor for which an additional premium may be charged."

- On page 4 of the engrossed bill, line 16, delete the letter "c" and insert in lieu thereof the letter "d"
- On page 5 of the engrossed bill, line 21, after the second comma insert the word and comma "chiropractor,"
- On page 8 of the engrossed bill, after line 6, insert the following new subdivision:  

"c. Covered expenses shall also include, at the option of the eligible person, the usual and customary charges for professional services rendered by a chiropractor and for services and articles prescribed by a chiropractor for which an additional premium may be charged."
- On page 8 of the engrossed bill, line 7, delete the letter "c" and insert in lieu thereof the letter "d"
- On page 9 of the engrossed bill, line 1, after the second comma insert the word and comma "chiropractor,"
- On page 16 of the engrossed bill, line 32, after the period insert the following new sentence: "However, this subsection does not apply to a person who has had continuous coverage under a family or group accident and sickness insurance policy during the year immediately preceding the filing of an application."

And renumber the lines and pages accordingly

<p>For the Senate</p> <p><i>Refused to sign</i></p> <p>Sen. Quail _____</p> <p>Sen. Mutch _____</p> <p>Sen. Grotberg _____</p>	<p>For the House</p> <p><i>Refused</i></p> <p>Rep. Rued _____</p> <p>Rep. Peirler _____</p> <p>Rep. B. Larson _____</p>
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HOUSE Bill No. 1058 was placed on the 7th

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1132 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1132 be further amended as follows:

- On page 1 of the engrossed bill, line 6, after the word "repeal" insert the following: "subdivision j of subsection 1 of section 50-11.1-02 and"
- On page 3 of the engrossed bill, after line 8, insert the following new subdivision:

"j. Child care provided in a program of youth service operated by an organization chartered by the national council of young men's christian associations electing not to be licensed under this chapter, but which complies with fire safety standards applicable to educational or school facilities for elementary or younger students."

On page 13 of the engrossed bill, after line 12, insert the following new section:

"SECTION 20. DELAYED REPEAL. Subdivision j of subsection 1 of section 50-11.1-02 is repealed effective July 1, 1983, and the programs therein described shall thereafter be subject to licensure under the provisions of chapter 50-11.1 unless otherwise exempted by law."

And renumber the lines, sections, and pages accordingly

For the Senate  
*J. M. Cussons*  
 Senator Cussons  
*Arthur N. Peterson*  
 Senator Peterson  
*Danny Grotberg*  
 Senator Grotberg

For the House  
*Alice Tolson*  
 Rep. Alice Tolson  
*Dagne Olsen*  
 Rep. Dagne Olsen  
*Earl Pomeroy*  
 Rep. Earl Pomeroy

HOUSE Bill No. 1132 was placed on the 7th.

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1154 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1154 be further amended as follows:

On page 1, line 1 of the engrossed bill, delete the word "section" and insert in lieu thereof the word "sections"

On page 1, line 3 of the engrossed bill, after the word "carriers" and before the period insert the following: "; and to provide an expiration date"

On page 1, line 10 of the engrossed bill, overstrike the following: "- MINIMUM RATES"

On page 1, line 27 of the engrossed bill, after the word "contract" insert the following: ", including but not limited to supervision and regulation of provisions related to rates and service,"

On page 2 of the engrossed bill, overstrike lines 6 through 9

On page 2, after line 31 of the engrossed bill, insert the following new section:

"SECTION 3. EXPIRATION DATE. The provisions of this Act shall be effective from July 1, 1981, through June 30, 1983, and shall thereafter be ineffective."

And renumber the lines, pages, and sections accordingly

For the Senate  
*Tennessee*  
 Sen. Tennessee  
*Dykes*  
 Sen. Dykes  
*Lashkowitz*  
 Sen. Lashkowitz

For the House  
*Tim*  
 Rep. Tim  
*B. Anderson*  
 Rep. B. Anderson  
*Kiski*  
 Rep. Kiski

HOUSE Bill No. 1154 was placed on the 7th

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

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

red House Bill No. 1225 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that House Bill 1225 be further amended as follows:

On page 10, line 25 of the engrossed bill, delete the word "ten" and insert in lieu thereof the word "thirty-five"

On page 15, line 7 of the engrossed bill, after the word "mandatory" insert the words "for members of the election board and optional for poll clerks at the discretion of the board of county commissioners of each county"

On page 15, line 9 of the engrossed bill, after the word "boards" insert the following ", and poll clerks if applicable,"

On page 15, line 20 of the engrossed bill, after the period insert the following: "Poll clerks attending the course at the discretion of the board of county commissioners shall be reimbursed for expenses and mileage and compensated for performance of election duties as are members of election boards pursuant to 16.1-05-05."

On page 64, line 22 of the engrossed bill, after the word "for" insert the words "the office of"

On page 65, line 3 of the engrossed bill, after the word "for" insert the words "the office of"

On page 65, line 8 of the engrossed bill delete the words "a candidate nominated at the primary election shall die," and insert in lieu thereof a colon

On page 65 of the engrossed bill delete lines 9 and 10 and insert in lieu thereof the following:

- 1. A candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his nameprint on the ballot at the general election.
2. No candidates were nominated at the primary election because the office did not yet exist.
3. The timing of the vacancy in an office makes it impossible to have it placed on the primary ballot."

And renumber the lines, sections, and pages accordingly

For the Senate
Sen. Stenholm
Sen. H. Christensen
Sen. Lashkowitz

For the House
Rep. Baumann
Rep. Bonny
Rep. Helgaard

House Bill No. 1225 was placed on the 7th

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



FRIDAY, MARCH 27, 1981

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Mr. PRESIDENT : Your Conference Committee to whom was referred HOUSE Bill No. 1276 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill 1276 be amended as follows:

On page 1, line 3, after the word "of" insert the word "either"

On page 1, line 4, after the word "board" and comma insert the words "or another school district,"

On page 1, line 17, after the second "of" insert "either"

On page 1, line 18, after the word "board" and before the period insert "or another school district where the contracted employees are also providing services to the taxing school district"

On page 2, line 22, after the word "subdivision" insert ", except a multidistrict special education board and a center board of a multidistrict vocational education center,"

And renumber the lines and pages accordingly

For the Senate  
Sen. Peterson  
Sen. Nelson  
Sen. Dotzenroth

For the House  
Rep. Murphy  
Rep. Alton  
Rep. Richard

HOUSE Bill No. 1276 was placed on the 7th

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

Mr. PRESIDENT : Your Conference Committee to whom was referred HOUSE Bill No. 1371 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill 1371 be further amended as follows:



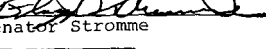
On page 1, line 16 of the engrossed bill, delete "twenty-eight" and insert in lieu thereof "twenty-seven" and on the same line, delete the word "three" and insert in lieu thereof the word "five"

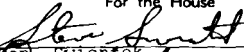
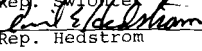
On page 1, line 19, of the engrossed bill, delete the word "thirty" and insert in lieu thereof "twenty-nine" and on the same line delete the word "five" and insert in

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lieu thereof the word "nine" and also on the same line after the word "hundred" insert the word "fifty"

And renumber the lines accordingly

For the Senate  
  
 Senator Adam  
  
 Senator Spenehem  
  
 Senator Stromme

For the House  
  
 Rep. Swiontek  
  
 Rep. Hedstrom  
 Refused to Sign  
 Rep. Earl Pomeroy

HOUSE Bill No. 1371 was placed on the 7th.

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

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

red HOUSE Bill No. 1418 has had the same under

consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1418 as reengrossed by the Senate be further amended as follows:

- On page 2 of the reengrossed bill, line 10, delete the word "and" and after the word "appropriation" and before the period insert the following: "; to provide effective dates; and to provide for the appointment of initial human service council members"
- On page 26 of the reengrossed bill, line 26, after the word "members" insert the following: ". The council shall be"
- On page 26 of the reengrossed bill, line 29, after the word "center" and before the period insert the comma and words ", except for the appointment of the initial human service council which shall be as provided in section 41 of this Act. County commissioners may serve as members of the human service council, provided that the commission members do not comprise more than one-third of the total council members"
- On page 27 of the reengrossed bill, line 8, after the period insert the following: "To the extent possible, membership on the council shall reflect regional interests in the fields of developmental disabilities, social services, vocational rehabilitation, mental health, and alcoholism and drug abuse."
- On page 28 of the reengrossed bill, line 35, after the word "subdivisions" delete the underscored comma
- On page 31 of the reengrossed bill, line 1, delete the following: "July 1, 1981" and insert in lieu thereof the following: "January 1, 1982"
- On page 31 of the reengrossed bill, after line 3, insert the following two new sections:
- "SECTION 40. EFFECTIVE DATES. This Act shall become effective on January 1, 1982, except for section 41, which shall be effective on July 1, 1981.

SECTION 41. APPOINTMENT OF INITIAL HUMAN SERVICE COUNCIL - STATUS OF PRESENT BOARD. The chairman of the board of county commissioners of the county with the largest population within each region shall, not later than October 1, 1981, call a joint

meeting of the county commissioners within the region to appoint the initial human service council for the regional human service center, according to the selection process and terms of office specified in section 31 of this Act. This meeting shall include an individual designated by the governor. The chairmen shall consult with the governor in setting the time and location of each meeting."

And renumber the lines, pages, and sections accordingly

For the Senate  
Senator Peterson  
Senator Stenehjem  
Senator Cussons

For the House  
Rep. Alice Olson  
Rep. Strinden  
Rep. Earl Pomeroy

HOUSE Bill No. 1418 was placed on the 7th.

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

Mr. President: Your Conference Committee to whom was referred House Bill No. 1473 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that House Bill 1473 be amended as follows:

On page 1, line 1 of the engrossed bill, delete the following: "12.1-04-01,"

On page 1, line 2 of the engrossed bill, delete the first comma, and on the same line delete the second comma and the words ", and subsection 2 of section 27-20-16"

On page 1 of the engrossed bill, delete lines 7 through 17

On page 5 of the engrossed bill, delete lines 22 through 35

And renumber the lines, sections, and pages accordingly

For the Senate  
Sen. H. Christensen  
Sen. Stenehjem  
Sen. Sorum

For the House  
Rep. C. Anderson  
Rep. Wentz  
Rep. Heigaard

House Bill No. 1473 was placed on the 7th

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1525 has had the same under

consideration and recommends:

That the Senate recede from its amendments; and that engrossed House Bill No. 1525 be further amended as follows:

On page 1 of the engrossed bill, line 20, delete the word "eighty" and insert in lieu thereof the word "fifty"

On page 1 of the engrossed bill, line 23, after the period, insert the following: "Provided, that the operator may remit semi-annually to a person entitled to royalties the aggregate of six months' monthly royalties where the aggregate amount is less than fifty dollars. The district court for the county in which the oil or gas well is located shall have jurisdiction over all proceedings brought pursuant to this section. The prevailing party in any proceeding brought pursuant to this section shall be entitled to recover any court costs and reasonable attorney's fees."

And renumber the lines and pages accordingly

For the Senate
Ralph Christensen
Sen. R. Christensen
Sen. Quail
Sen. Grothberg
Sen. R. Christensen

For the House
New Klau
Rep. Kloubec
Rep. Vander Vorst
Rep. B. Larson

HOUSE Bill No. 1525 was placed on the 7th

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1529 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill 1529 as reengrossed by the Senate be further amended as follows:

On page 2, line 15 of the reengrossed bill, after "million" insert "two hundred thousand"

On page 2, line 17 of the reengrossed bill, delete "five" and insert "eight"

On page 5, line 21 of the reengrossed bill, delete "Six hundred" and insert "Four hundred twenty"

And renumber the lines and pages accordingly

For the Senate
Wright
Sen. Wright
Sen. Goodman
Sen. Barth

For the House
A. Hausaug
Rep. A. Hausaug
Rep. Tinn
Rep. Berg

HOUSE Bill No. 1529 was placed on the 7th

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

Mr. PRESIDENT : Your Conference Committee to whom was referred HOUSE Bill No. 1536 has had the same under consideration and recommends:

That the House accedes to the Senate amendments and that the bill be further amended as follows:

After the last word in the title and before the period insert the following: "; and to declare an emergency"

In section 4 of the Senate amendments, delete the last sentence of the section and insert in lieu thereof the following sentence: "The industrial commission, within the limits of legislative appropriations, may make arrangements with the board of higher education, subject to the approval of the emergency commission, to transfer equipment, personnel, and material between the commission and the state geologist as necessary to carry out this chapter."

After the last word and period in the bill, insert the following section:

"SECTION 9. EMERGENCY. Sections 1 through 7 of this Act are hereby declared to be an emergency measure and shall be in effect from and after the passage and approval of this Act."

And renumber the lines, sections, and pages accordingly

For the Senate  
Sen. Lee [Signature]  
Sen. Christensen [Signature]  
Sen. Redlin [Signature]

For the House  
Rep. Kretschmar [Signature]  
Rep. G. Pomeroy [Signature]  
(REFUSED TO SIGN)

HOUSE Bill No. 1536 was placed on the 7th

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

Mr. PRESIDENT : Your Conference Committee to whom was referred HOUSE Bill No. 1542 has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1542 be further amended as follows:

On page 2, line 3 of the engrossed bill, at the beginning of the line delete "c." and at the end of the line delete the word "subsection" and insert in lieu thereof the word "subdivision"

On page 2, line 28 of the engrossed bill, delete the quotation marks after the word "income" and delete the words "means taxable income"

On page 2, line 29 of the engrossed bill, after the word "activities" insert quotation marks and insert the following: "described in paragraph (2) means taxable income from those activities"

On page 3, after line 5 of the engrossed bill, add the following new paragraphs:

- "(4) For purposes of applying the income requirements of this subdivision, if a husband and wife reside together in a residence claimed as exempt under this subdivision because both or one of them is a farmer, not less than fifty percent of their combined net income from all sources must be net income from farming activities as defined in paragraph (3) in order for the residence to qualify for the exemption.
- (5) When exemption is claimed under this subdivision for a residence, the assessor may require that the occupant of the residence who it is claimed is a farmer provide to the assessor for the year or years specified by the assessor a written statement in which it is stated that fifty percent or more of the net income of that occupant was, or was not, net income from farming activities, provided that if that occupant is married and they both occupy the residence, it shall be stated in the written statement that their net income from farming activities was, or was not, fifty percent or more of their combined net income from all sources."

And renumber the lines, sections, and pages accordingly

For the Senate	For the House
<i>0 on more</i>	<i>Rep. Rife</i>
Sen. Moore	Rep. Nicholas
<i>Sen. W. Lee</i>	<i>Rep. Matheny</i>
Sen. Lee	Rep. Matheny
<i>Shadow</i>	<i>Rep. Rife</i>
Sen. Shablow	Rep. Rife

HOUSE Bill No. 1542 was placed on the 7th

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

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1589 has had the same under consideration and recommends:

That the Senate recedes from its amendments and that engrossed House Bill No. 1589 be amended as follows:

On page 1, line 10, delete the words "the city's residents" and insert in lieu thereof "commercial enterprises"

On page 1, line 12, after the word "contracts" insert the words "with commercial enterprises"

And renumber the lines and pages accordingly

For the Senate	For the House
<i>Sen. Parkshorn</i>	<i>Rep. G. Larson</i>
Sen. Parkshorn	Rep. G. Larson
<i>Sen. Solberg</i>	<i>Rep. Gerl</i>
Sen. Solberg	Rep. Gerl
<i>William C. Parker</i>	
Sen. Parker	

HOUSE Bill No. 1589 was placed on the 7th

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

FRIDAY, MARCH 27, 1981

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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. 1039

House Bill No. 1374

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., Monday,  
March 30, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary