

FIFTY-NINTH DAY

Bismarck, March 30, 1981

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

The prayer was offered by Senator Hal Christensen.

Let us pray. Heavenly Father, we thank You for bringing us back to Bismarck on this beautiful morning. Thank You for the privilege of serving in the North Dakota Senate. We pray that You will help us to always vote for the highest good of the people of North Dakota, and in these last days, give us the wisdom that You have promised if we ask, to come up with the right decisions on the final decisions that we have to make in this session. We thank You in Jesus' name, Amen.

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

A quorum was declared by the President.

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2364

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. 2009

Senate Bill No. 2012

Senate Bill No. 2018

Senate Bill No. 2153

Senate Bill No. 2253

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

Senate Bill No. 2005

Senate Bill No. 2010

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

Senate Bill No. 2005

Senators:

Senator Hanson

Senator Lips

Senator Walsh

Senate Bill No. 2010

Senators:

Senator Melland

Senator Lips

Senator Walsh

Very respectfully,

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed 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

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE
Senate Chamber

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

LEO LEIDHOLM, Secretary
Senate Chamber

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

House Bill No. 1284
 Very respectfully,

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate request from the House, the

return of House Bill No. 1365, which motion prevailed.

MESSAGE TO THE HOUSE
Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate respectfully requests the return of House Bill No. 1365.
Very respectfully,

LEO LEIDHOLM, Secretary

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2007 as printed on pages 1856, 1857 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2007 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. 2007. — A Bill for an Act making an appropriation for defraying the expenses of community or junior colleges and the educational center; 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			● GROETBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKEWELL			● HOLMBERG			● OLIN	●		● TALLACKSON		
● BARTH			● ISLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #6			● 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 not concur in the House amendments to Senate Bill No. 2060 as printed on page 1857 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A
CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2060:

- Senator Hanson, Chairman
- Senator Fritzell
- Senator Tallackson

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2372 as printed on page 1858 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2372 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2372. — A Bill for an Act to establish a northern crops

institute and northern crops council, to specify the purpose, powers, and duties of the council, and to permit gifts and grants to the institute; and to provide a transfer and 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 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
● ADAMS			● GROTEBERG			● NELSON			● STREIBEL
● ALBERS			● HANSON			● NETHING			● STROMME
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON
● BARTH			● ISLER			● PARKER			● TENNEFOS
● BERUBE			● LASKOWITZ			● PETERSON			● THANE
● CHRISTENSEN, H. JR.			● LEF			● QUAIL			● TIERNEY
● CHRISTENSEN, R. JR.			● 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.

SECOND READING OF HOUSE BILLS

House Bill No. 1243. — A Bill for an Act to authorize school districts having community or junior colleges or off-campus educational centers to issue bonds and levy taxes for capital construction purposes.

Which has been read.

Senator Lips moved that House Bill No. 1243 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to authorize school districts having community or junior colleges or off-campus educational centers to issue bonds and levy taxes for capital construction purposes.

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

SECTION 1. BOND ISSUES FOR CAPITAL CONSTRUCTION FOR COMMUNITY OR JUNIOR COLLEGES OR OFF-CAMPUS EDUCATIONAL CENTERS - LEVY OF TAX. The school board of any school district having a community or junior college or off-campus educational center as provided in chapter 15-18 which has an enrollment of one thousand or more students may, upon motion of the board, issue and sell bonds for capital construction purposes, including the construction and equipping of new buildings or repairing or renovating and equipping of existing buildings. The school board may levy a tax not exceeding two mills on the dollar of the net assessed valuation of the school district for the purpose of paying the principal and interest on bonds issued pursuant to this Act. The mill levy authorized by this Act shall be in addition to any mill levy limitations provided by law. The total principal amount of bonds issued pursuant to this Act shall not exceed seven hundred thousand dollars, and any indebtedness incurred by a school district shall be within debt limitations established by law. Bonds issued under this Act shall never become a general obligation of the state of North Dakota."

And renumber the lines and pages accordingly

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

Senator Lips moved that the rules be suspended, that House Bill No. 1243 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1243. — A Bill for an Act to authorize school districts having community or junior colleges or off-campus educational centers to issue bonds and levy taxes for capital construction purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 44, nays 6, absent and not voting 0.

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1243 was passed, be considered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGES FROM THE HOUSE

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. 1060
 - House Bill No. 1061
 - House Bill No. 1509
- Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

ROY GILBREATH, Chief Clerk

House Chamber

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

- House Bill No. 1095
- House Bill No. 1227
- House Bill No. 1290
- House Bill No. 1399
- House Bill No. 1568
- House Bill No. 1651
- House Bill No. 1656
- House Concurrent Resolution No. 3083

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

ROY GILBREATH, Chief Clerk
House Chamber

Mr. President: I have the honor to transmit herewith the following on which the House has not adopted the conference committee report:

And the Speaker has appointed as a new conference committee:
Senate Bill No. 2160

Reps.:

Rep. Kretschmar

Rep. Mattson

Rep. G. Pomeroy

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. 2019

Reps.:

Rep. Freborg

Rep. Gunsch

Rep. Opedahl

Senate Bill No. 2025

Reps.:

Rep. Lipsiea

Rep. Wald

Rep. Mushik

Senate Bill No. 2092

Reps.:

Rep. Kingsbury

Rep. R. Hausauer

Rep. Opedahl

House Bill No. 2289

Reps.:

Rep. Koland

Rep. Wald

Rep. Solberg

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. 1004

House Bill No. 1033

House Bill No. 1204

House Bill No. 1218

House Bill No. 1277

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Procedural Committee

MR. PRESIDENT:

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

Senate Bill No. 2005

Senate Bill No. 2010

and find the same correctly Re } Engrossed

Stella H. Fritzell
Stella Fritzell

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

MOTION

Senator Nething moved that the Senate stand in recess until 10:30 a.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2007

Senate Bill No. 2372

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

Senate Bill No. 2060

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

Senate Bill No. 2060

Senators:

Senator Hanson

Senator Fritzell

Senator Tallackson

Very respectfully,

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

- 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

were delivered to the } Governor for his approval
on March 30, 1981.

Stella H. Fritzell
Stella Fritzell Chairman
"BUY BOOKS FROM PRODUCTS"

MESSAGES FROM THE HOUSE

House Chamber

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

House Bill No. 1002

House Bill No. 1092

House Bill No. 1605

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

House Bill No. 1002

Reps.:

Rep. R. Hausauer
Rep. R. Jacobsen
Rep. Meiers
House Bill No. 1092

Reps.:

Rep. G. Larson
Rep. Swiontek
Rep. I. Jacobson
House Bill No. 1605

Reps.:

Rep. Murphy
Rep. Mattson
Rep. Richard

Very respectfully,

ROY GILBREATH, Chief Clerk
House Chamber

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

House Bill No. 1659

ROY GILBREATH, Chief Clerk

MOTION

Senator Nelson moved that a new conference committee be appointed to meet with a like committee from the House on Senate Bill No. 2160, which motion prevailed.

The President appointed as a new conference committee on Senate Bill No. 2160:

Senator Nelson, Chairman
Senator Quail
Senator Redlin

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Mutch moved that the conference committee report on House Bill No. 1058 as printed on pages 1859, 1860 of the Senate Journal be adopted, which motion lost.

Senator Reiten moved that the conference committee on House Bill No. 1058 be dissolved, and that the President appoint a new conference committee on House Bill No. 1058, which motion prevailed.

The President appointed as a new conference committee on House Bill No. 1058:

Senator Tennesfos, Chairman
Senator Quail
Senator Grotberg

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1004 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1004 be amended as follows:

On page 1, line 2, delete the following: ", and" and insert in lieu thereof a semicolon, and after the word "funds" and before the period insert a semicolon and the words "; and declaring an emergency"

On page 1, line 12, delete the numerals "4,510,000" and insert in lieu thereof of the numerals "6,290,000"

On page 1, line 13, delete the numerals "4,510,000" and insert in lieu thereof of the numerals "6,290,000"

On page 1, after line 13, insert the following new sections:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, to the state tax commissioner for the purpose of reimbursing the homestead tax credit, for the biennium beginning July 1, 1979, and ending June 30, 1981.

SECTION 3. EMERGENCY. Section 2 of 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

STATEMENT OF PURPOSE OF AMENDMENT:

This appropriation is increased \$1,780,000 to increase the exemption from \$9,000 of annual income to \$10,000. Also, a \$300,000 deficiency appropriation is added for the 1979-81 biennium.

For the Senate	For the House
<i>Wenstrom</i>	<i>Wagner</i>
Sen. Wenstrom	Rep. Wagner
Sen. Vogler	Rep. Hausauer
Sen. Shablow	Rep. Solberg
Sen. Wenstrom	

_____ moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Lips moved that the Conference Committee Report on House Bill No. 1004 be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that House Bill No. 1004 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1004. — A Bill for an Act making an appropriation for the homestead tax credit; providing for the distribution of such funds; 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 41, nays 0, absent and not voting 9.

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		
● BAKWER			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER	●		● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. JS			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER	●	
● DOTZENROD			● LODOEN			● ROEN	●		● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZEL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

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

Senator Nething moved that the vote by which House Bill No. 1004 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2005

Reps.:

Rep. Wagner

Rep. Unhjem

Rep. Opedahl

Senate Bill No. 2010

Reps.:

Rep. Unhjem

Rep. Freborg

Rep. Meiers

Very respectfully,

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

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. 1002, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1002:

Senator Melland, Chairman

Senator Nelson

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. 1092, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1092:

Senator Melland, Chairman

Senator Nelson

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. 1605, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1605:

Senator Wenstrom, Chairman

Senator Quail

Senator Tallackson

Senator Nething moved that the Senate stand in recess until 11:30 a.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return House Bill No. 1365, which the Senate has requested.

Very respectfully,

ROY GILBREATH, Chief Clerk

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Cussons moved that the Conference Committee Report on House Bill No. 1132 as printed on pages 1860, 1861 of the Senate Journal be adopted, which motion prevailed.

Senator Cussons moved that the rules be suspended, that House Bill No. 1132 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1132. — A Bill for an Act to create and enact nine new sections to chapter 50-11.1 of the North Dakota Century Code, relating to supplemental parental care; to amend and reenact sections 50-11.1-02, 50-11.1-03, 50-11.1-04, 50-11.1-06, 50-11.1-06.1, 50-11.1-07, 50-11.1-08, 50-11.1-09, and 50-11.1-12, relating to supplemental parental care; and to repeal subdivision j of subsection 1 of section 50-11.1-02 and section 50-11.1-05, relating to supplemental parental care.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 43, nays 7, 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			● 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			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		●
● FRITZELL		●	● MUTCH		●	● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN		●	● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1132 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Tennefos moved that the Conference Committee Report on House Bill No. 1154 as printed on page 1861 of the Senate Journal be adopted, which motion prevailed.

Senator Tennefos moved that the rules be suspended, that House Bill No. 1154 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1154. — A Bill for an Act to amend and reenact sections 49-18-19 and 49-18-25 of the North Dakota Century Code, relating to regulation of contract motor carriers; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 48, nays 2, 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			● 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	● LEIBMAN	● REDLIN	● TWETEN
● CUSSONS	● LIPS	● REITEN	● VOSPER
● DOTZENROD	● LODOEN	● ROEH	● WALSH
● DYKSHOORN	● MELLAND	● SHAWLOW	● WESTROM
● 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. 1154 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Stenehjsem moved that the Conference Committee Report on House Bill No. 1225 as printed on page 1862 of the Senate Journal be adopted, which motion prevailed.

Senator Stenehjsem moved that the rules be suspended, that House Bill No. 1225 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1225. — A Bill for an Act to create and enact chapters 16.1-04, 16.1-09, 16.1-10, 16.1-12, 16.1-14, 16.1-15 and 16.1-16, and sections 16.1-01-02, 16.1-01-03, 16.1-01-04, 16.1-01-05, 16.1-01-06, 16.1-01-07, 16.1-01-08, 16.1-01-09, 16.1-01-10, 16.1-01-11, 16.1-01-12, 16.1-05-01, 16.1-05-02, 16.1-05-03, 16.1-05-04, 16.1-06-01, 16.1-06-02, 16.1-06-03, 16.1-06-04, 16.1-06-06, 16.1-06-08, 16.1-06-09, 16.1-06-10, 16.1-06-11, 16.1-06-12, 16.1-06-13, 16.1-06-14, 16.1-06-15, 16.1-06-16, 16.1-06-17, 16.1-06-18, 16.1-06-19, 16.1-06-20, 16.1-06-21, 16.1-06-22, 16.1-06-23, 16.1-06-24, 16.1-06-25, 16.1-07-01, 16.1-07-02, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-07-06, 16.1-07-07, 16.1-07-09, 16.1-07-10, 16.1-07-11, 16.1-07-12, 16.1-07-13, 16.1-07-14, 16.1-11-06, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-24, 16.1-11-25, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-35, 16.1-11-36, 16.1-11-37, 16.1-11-38, 16.1-11-39, 16.1-11-40, 16.1-13-01, 16.1-13-02, 16.1-13-03, 16.1-13-04, 16.1-13-05, 16.1-13-06, 16.1-13-07, 16.1-13-09, 16.1-13-10, 16.1-13-11, 16.1-13-12, 16.1-13-13, 16.1-13-14, 16.1-13-15, 16.1-13-16, 16.1-13-17, 16.1-13-18, 16.1-13-19, 16.1-13-20, 16.1-13-21, 16.1-13-22, 16.1-13-23, 16.1-13-24, 16.1-13-25, 16.1-13-26, 16.1-13-27, 16.1-13-28, 16.1-13-29, 16.1-13-30, 16.1-13-31, 16.1-13-32, and 16.1-13-33, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots, electronic voting systems, and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-13, 16-14, 16-15, 16-16, 16-21, 16-21.1, 16-22 and sections 16-04-02, 16-04-02.1, 16-04-03, 16-04-04, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, 16-04-13, 16-04-15.1, 16-04-15.2, 16-04-16, 16-04-17, 16-04-18, 16-04-19, 16-04-21, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-11-01, 16-11-02, 16-11-03, 16-11-04, 16-11-05.1, 16-11-07, 16-11-09, 16-11-10, 16-11-11, 16-11-12, 16-11-13, 16-11-14, 16-11-15, 16-11-16, 16-12-01, 16-12-02, 16-12-03, 16-12-04, 16-12-05, 16-12-06, 16-12-07, 16-12-08, 16-12-09, 16-12-10, 16-12-11, 16-12-12, 16-12-13, 16-12-16, 16-18-01, 16-18-02, 16-18-03, 16-18-04, 16-18-05, 16-18-06, 16-18-07, 16-18-08, 16-18-11, 16-18-12, 16-18-14, 16-18-15, 16-18-16, 16-18-17, 16-18-20, 16-20-01, 16-20-01.1, 16-20-16, 16-20-17, 16-20-17.1, 16-20-17.2, 16-20-17.3, 16-20-18, 16-20-19, 16-20-22, 16-20-23, and 16-20-24 of the

North Dakota Century Code, relating to general election provisions, individual nominations, primary elections, nominations for office, general and special elections, the no-party ballot, the establishment of precincts and voting places, election officers and supplies, the conduct of elections, returns and contests of elections, presidential electors, absent voters' ballots, corrupt practices, voting machines, electronic voting machines, and the disclosure of financial interest.

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.

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1225 was passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senator Peterson moved that the Conference Committee Report on House Bill No. 1276 as printed on page 1863 of the Senate Journal be adopted, which motion prevailed.

Senator Peterson moved that the rules be suspended, that House Bill No. 1276 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1276

was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTIONS

Senator Stenehjem moved that the conference committee report on House Bill No. 1371 be placed at the foot of the 7th Order of Business, which motion prevailed.

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

The Senate reconvened, with President Sands presiding.

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1243

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following on which the Senate has not adopted the conference committee report:

House Bill No. 1058

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

House Bill No. 1058

Senators:

Senator Tennefos

Senator Quail

Senator Grothberg

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1002

Senators:

Senator Melland

Senator Nelson

Senator Walsh

House Bill No. 1092

Senators:

Senator Melland

Senator Nelson

Senator Walsh

House Bill No. 1605

Senators:

Senator Wenstrom

Senator Quail

Senator Tallackson

Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2160

Senators:

Senator Nelson

Senator Quail
Senator Redlin
Very Respectfully,

LEO LEIDHOLM, Secretary

Correction and Revision of The Journal

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

On page 1825, lines 25 through 31, delete "House" and insert in lieu thereof "Senate"

On page 1842, delete line 42.

And when so corrected recommends that the same be approved.

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

**PRESENTATION OF PETITIONS
AND COMMUNICATIONS**

Allen I. Olson

Governor

March 30, 1981

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

Dear Mr. President:

This is to inform you that on March 30, 1981, I signed the following Senate Bills:

- Senate Bill: 2214
- Senate Bill: 2233
- Senate Bill: 2323

Sincerely,
ALLEN I. OLSON
Governor

Report of Procedural Committee

MR. PRESIDENT:

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

- Senate Bill No. 2049
- Senate Bill No. 2078
- Senate Bill No. 2079
- Senate Bill No. 2122
- Senate Bill No. 2132
- Senate Bill No. 2141
- Senate Bill No. 2158
- Senate Bill No. 2161
- Senate Bill No. 2237
- Senate Bill No. 2291
- Senate Bill No. 2306
- Senate Bill No. 2428
- Senate Concurrent Resolution No. 4067

and find the same correctly } Enrolled

Stella H. Fritzell Chairman
Stella Fritzell
Senator Dotzenrod moved that the report be adopted, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1004

House Bill No. 1132

House Bill No. 1154

House Bill No. 1225

House Bill No. 1276

Very respectfully,

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

House Bill No. 1095

House Bill No. 1227

House Bill No. 1290

House Bill No. 1399

House Bill No. 1568

House Bill No. 1651

House Bill No. 1656

House Concurrent Resolution No. 3083

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1095

House Bill No. 1227

House Bill No. 1290

House Bill No. 1399

House Bill No. 1568

House Bill No. 1651

House Bill No. 1656

House Concurrent Resolution No. 3083

Which the President has signed.

LEO LEIDHOLM, Secretary

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. 1039

House Bill No. 1374

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

House Concurrent Resolution No. 3069

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

House Concurrent Resolution No. 3069

Reps.:

Rep. G. Larson

Rep. Swiontek

Rep. I. Jacobson

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has

concurring in the Senate amendments to:

House Bill No. 1243

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 conference committee to act with a like committee from the Senate on:

Senate Bill No. 2060

Reps.:

Rep. Wagner

Rep. Wald

Rep. Solberg

Very respectfully,

ROY GILBREATH, Chief Clerk
House Chamber

Mr. President: I have the honor to inform you that the House respectfully requests the return of Senate Concurrent Resolution No. 4041.

Very respectfully,

ROY GILBREATH, Chief Clerk

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Peterson moved that the Conference Committee Report on House Bill No. 1418 as printed on pages 1864, 1865 of the Senate Journal be adopted, which motion prevailed.

Senator Peterson moved that the rules be suspended, that House Bill No. 1418 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1418. — A Bill for an Act to create a department of human services; to amend and reenact sections 25-01-01.1, 25-02-04, 25-02-09, 25-10-01, 25-10-04, 25-12-02, 27-21-01, subsection 5 of section 39-08-01, section 50-01.1-01, subsection 1 of section 50-01.1-04, sections 50-06-01, 50-06-01.1, 50-06-05.1, 50-06-06.2, 50-06.1-01, subsection 1 of section 50-09-01, sections 50-10-01, 50-24.1-03, 50-26-01, 50-26-04, subsection 1 of section 54-07-01.2, sections 54-38-01, 54-38-05, 54-40-09, 54-42-06, and 54-44.3-19 of the North Dakota Century Code, relating to the developmental disabilities council, the superintendent of the state hospital, care of patients at the state hospital, the mental health and retardation division of the state health department, local mill levy for support of mental health and retardation service units, the state youth authority, penalty for driving under the influence of intoxicating liquors or controlled substances, definitions of state and county social service boards, the creation of multicounty welfare districts, powers and duties of the social service board, use of federal funds for clinic services, the division of vocational rehabilitation, definition of state agency for administration of aid to dependent children, definition of state agency for aid to crippled children, county share of medical assistance, the governor's council on human resources, governor's power to appoint majority of certain board members, the division on alcoholism and drug abuse, human service centers, agencies subject to the merit system, and authority of merit system board to provide service to cities and political subdivisions; to repeal sections 1-01-48, 25-10-05, 25-12-01, 25-12-02, 25-12-03, 25-12-04, 25-12-05, 50-06-02, 50-06-03, 50-06-03.1, 50-06-04, 50-06-07, 50-06-08, 50-06-09, 50-06-10, 50-06-13, 54-40-10, and 54-40-11 of the North Dakota

Century Code, relating to the division of child welfare, mental health and retardation service units, members of the social service board, the executive director of the social service board, report of the social service board to the governor, certification for human service centers, and collocation of human service centers with county social service boards; authorizing the legislative council to make some statutory revisions; 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 47, nays 3, 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. #8			• LEIBHAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD	•		• LODOEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• MUTCH	•		• SORUM			MR. PRESIDENT		
• GOODMAN			• NAADEN			• STENEHJEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1418 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator H. Christensen moved that the Conference Committee Report on House Bill No. 1473 as printed on page 1865 of the Senate Journal be adopted, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that House Bill No. 1473 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1473. — A Bill for an Act to amend and reenact sections 27-20-02 and 27-20-09 of the North Dakota Century Code, relating to the jurisdiction of adult court over traffic offenses committed by a child.

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1473

was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator R. Christensen moved that the Conference Committee Report on House Bill No. 1525 as printed on pages 1865, 1866 of the Senate Journal be adopted, which motion prevailed.

Senator R. Christensen moved that the rules be suspended, that House Bill No. 1525 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1525. — A Bill for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to obligations of oil and gas producers to pay interest on unpaid royalties.

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1525 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Wright moved that the Conference Committee Report on House Bill No. 1529 as printed on page 1866 of the Senate Journal be adopted, which motion prevailed.

Senator Wright moved that the rules be suspended, that House Bill No. 1529 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 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
• ADAMS			• GROETBERG			• NELSON		• STREIBEL
• ALBERS			• HANSON			• NETHING		• STROMME
• BAKEWELL			• HOLMBERG			• OLIN		• TALLACKSON
• BARTH			• ISLER			• PARKER		• TENNEFOS
• BERUBE			• LASHKOWITZ			• PETERSON		• THANE
• CHRISTENSEN, H. #5			• LEE			• QUAIL		• TIERNEY
• CHRISTENSEN, R. #M			• LEIBMAN			• REDLIN		• TWETEN
• CUSSONS			• LIPS			• REITEN		• VOSPER

• DOTZENROD	• LODOEN	• ROEN	• WALSH
• DYKSHOORN	• MELLAND	• SHARLOW	• WENSTROM
• ERICKSON	• MOORE	• SOLBERG	• WRIGHT
• FRITZELL	• MUTCH	• SORUM	MR. PRESIDENT
• GOODMAN	• NAADEN	• STENEHEM	

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1529 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

POINT OF PERSONAL PRIVILEGE
(Regarding House Bill 1529)

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

I have served in the North Dakota Legislature as a member of the Senate for several sessions. The 39th District comprises four counties; Bowman, Slope, Billings, Golden Valley and a portion of Stark in the southwestern portion of the state.

Over the years, I have always been confronted with the question, "Why don't you get your valuation up so you can make a reasonable contribution to state government?"

I remember my first session. I asked for \$50,000 for a bridge in Slope County. All the members of the Appropriations Committee indicated they would like a bridge in their respective counties also. When asked how I expected to pay it back to the State of North Dakota, I told them "we do not plan to pay it back." I got the money and was always grateful for the consideration.

I mention this incident to point up the fact that where production per acre is low, tax money is hard to come by. Through no fault of their own, drouth, terrible winters, poor prices at the market, many brave hardworking good people had to give up their land. Loan companies, the Federal Land Bank, State of North Dakota and the Federal Government had taken over the sub-marginal lands.

In most instances, if individuals were able to reclaim land, the mineral acres were retained by the loan agencies, state, federal and railroads in instances where they sold the surface.

The West River country, valuation-wise, plus the small population prompted those in charge of designating House and Senate seats to restrict us to one Senate seat in the four counties. The House has since apportioned on a population basis.

I have always insisted that apportioning on a population basis both the House and the Senate seems totally unrealistic and unfair. We are certainly far removed from any sort of bargaining position.

Now, at long last, with the energy developments in western North Dakota, oil and coal, we are certainly in a more favorable position and should be recognized for it. I hope and trust that future legislatures will be fair enough and be considerate enough to allow the impact counties to retain substantial amounts of revenue to the extent that they will be able to develop and continue to receive benefits from their long awaited good fortune.

May I remind you that to those people where no development has occurred or indeed may never occur, their first concern will be economic survival and they are not excited about making good paying jobs even more attractive with increased salaries and more benefits.

Senator Lee moved that the Conference Committee Report on House Bill No. 1536 as printed on page 1867 of the Senate Journal be adopted, which motion prevailed.

Senator Lee moved that the rules be suspended, that House Bill No. 1536 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1536. — A Bill for an Act to create a resources management department, to provide for appointment of a commissioner of resources management, to provide a procedure for senate confirmation, and to provide for assumption of certain duties of the state department of health, industrial commission, water commission, and state engineer by the commissioner of resources management, to declare legislative intent, to give the legislative council certain statutory revision responsibilities, to provide for the appointment and duties of a state geologist, to provide for the assumption of advisory duties by the water commission, and to provide a procedure for delay of the consolidation provided for by this Act; to amend and reenact sections 15-11-08, 23-01-02, 23-01-07, and 23-25-02 of the North Dakota Century Code, relating to surveys conducted by the board of higher education, membership of the health council and divisions of the health department; and to repeal sections 15-11-09, 15-11-11, 15-11-12, and 15-11-14, chapter 54-49.1 and section 61-28-03 of the North Dakota Century Code, relating to the appointment and duties of the state geologist, the natural resources council and the water pollution control board; and to declare an emergency.

Which has been read.

ROLL CALL

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

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

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

Senator Nething moved that the vote by which House Bill No. 1536 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Moore moved that the Conference Committee Report on House Bill No. 1542 as printed on pages 1867, 1868 of the Senate Journal be adopted, which motion prevailed.

Senator Moore moved that the rules be suspended, that House Bill No. 1542 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1542. — A Bill for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for farm homes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the

roll was called and there were ayes 39, nays 11, 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		●	● ISLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL		●	● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN		●	● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDOEN		●	● ROEN			● WALSH		
● DYKSHOORN			● MELLAND		●	● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH		●	● SORUM			● MR. PRESIDENT		
● GOODMAN		●	● NAADEN		●	● STENEHIEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1542 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Dykshoorn moved that the Conference Committee Report on House Bill No. 1589 as printed on page 1868 of the Senate Journal be adopted, which motion prevailed.

Senator Dykshoorn moved that the rules be suspended, that House Bill No. 1589 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1589. — A Bill for an Act to permit garbage collection by more than one contractor in cities with a population of five thousand or more persons.

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 2, 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			● ISLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDOEN		●	● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHIEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1589 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendment to House Bill No. 1038, and now has concurred in the Senate amendment to House Bill No. 1038, has discharged the conference committee on the same, and subsequently passed the same.

Very respectfully,

MONDAY, MARCH 30, 1981

1893

ROY GILBREATH, Chief Clerk
MESSAGE FROM THE HOUSE
House Chamber

Mr. President: I have the honor to transmit herewith the following on which the Speaker has appointed as a new conference committee on:

House Bill No. 1058

Reps.

Rep. Rued

Rep. Peltier

Rep. B. Larson

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Senator Lips moved that the conference committee on House Bill No. 1038 be dissolved, which motion prevailed.

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2038 has had the same under

consideration and recommends:

that the House recede from their amendments and that the bill be amended as follows:

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

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

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

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

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

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

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

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

On page 1 of the engrossed bill, line 26, delete the following: "be discontinued; that the funds" and insert in lieu thereof the following: "moneys appropriated by this Act be expended and the program administered as provided in chapter 65-13 with a view to the possibility that the program may be terminated or the responsibility for its administration reassigned at some future time."

On page 1 of the engrossed bill, delete lines 27 and 28

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

For the Senate
Thane
 Senator Thane
Naaden
 Senator Naaden
Mallickson
 Senator Mallickson

For the House
Kuchera
 Representative Kuchera
Opedani
 Representative Opedani
Kingsbury
 Representative Kingsbury

Senate Bill No. 2038 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 Senate Bill No. 2249 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2249 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 4-14.1-04, 57-50-01, 57-50-03.1, 57-50-05, and 57-54-08 of the North Dakota Century Code, relating to the production and taxation of synthetic fuels from agricultural products and meetings, personnel, and expenses of the agricultural products utilization commission; to provide an effective date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 4-14.1-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-01. LEGISLATIVE POLICY AND PURPOSE. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by providing a new domestic source sources of energy, and by stimulating the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance in the construction, operation, and maintenance of ~~an agriculturally-derived alcohol-piant~~ agricultural and biomass residue derived fuel plants in North Dakota for the manufacture and marketing of ~~agriculturally-derived alcohol-and-methanol-derived-from~~ agricultural and biomass residue derived fuel and byproducts.

SECTION 2. AMENDMENT. Section 4-14.1-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-02. ~~AGRICULTURALLY-DERIVED-ALCOHOL-MOTOR VEHICLE-FUEL-TAX AGRICULTURAL PRODUCTS UTILIZATION FUND - PURPOSES.~~ There is hereby created in the state treasury, a fund, to be known as the ~~agriculturally-derived alcohol motor-vehicle-fuel-tax~~ agricultural products utilization fund, which shall be used to provide a program for the implementation of a state ~~agriculturally-derived alcohol~~ agricultural and biomass residue derived fuel industry for motor vehicle fuels. The fund shall be used for the following purposes:

1. ~~Establishment, with-cooperation-from-private~~

- industry in cooperation with private industry, farm operators, and farm organizations, of procedures and processes necessary to the manufacture and marketing of agriculturally derived alcohol-blended fuels and motor vehicle fuels blended with methane-derived from biomass residue for the development of agricultural and biomass residue derived fuel.
2. Establishment of a procedure for entering the agriculturally-derived alcohol-blended fuel and fuel-blended-with-methane-derived-from-biomass residue agricultural and biomass residue derived fuel into the marketplace by private enterprise, farm operators, and farm organizations.
 3. Analysis of the marketing process and testing of marketing procedures to assure acceptance of agriculturally-derived alcohol-blended fuels, motor vehicle fuels-blended-with-methane-derived-from-biomass-residue, and byproducts resulting from their manufacture, agricultural and biomass residue derived fuel and byproducts in the private marketplace.
 4. Cooperation with private industry, farm operators, and farm organizations to establish privately-owned agriculturally-derived alcohol agricultural and biomass residue derived fuel manufacturing plants in this state to supply demand for agriculturally-derived alcohol and methane-derived-from-biomass-residue agricultural and biomass residue derived fuel.
 5. Provision of grants to North Dakota institutions of higher learning and private industry to establish programs designed to educate private industry representatives, farm operators, and farm organization representatives in the manufacture and marketing of agricultural and biomass residue derived fuel and byproducts.

SECTION 3. AMENDMENT. Section 4-14.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-03. AGRICULTURAL PRODUCTS UTILIZATION COMMISSION - EXPENDITURE APPROVAL BY COMMISSIONER OF AGRICULTURE - COMPOSITION - APPOINTMENT. The agriculturally-derived alcohol-motor-vehicle-fuel-tax agricultural products utilization fund shall be administered by the agricultural products utilization commission which is hereby established. However, the commission may not expend any moneys from the fund without the prior approval of the commissioner of agriculture. The commission shall consist of seven five members to be appointed by the governor for terms of two years each, arranged so that at least three two terms expire every year. Four three members shall be actively engaged in farming in this state, one member shall be actively engaged in the petroleum industry, and two members one member shall be actively engaged in business in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July of odd-numbered-years the year of their appointment, once staggered initial terms are established as provided herein.

SECTION 4. AMENDMENT. Section 4-14.1-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. AGRICULTURAL PRODUCTS UTILIZATION

COMMISSION - MEETINGS - PERSONNEL - ADVISORY COMMITTEE EXPENDITURE APPROVAL BY COMMISSIONER OF AGRICULTURE. The agricultural products utilization commission shall meet at least once annually, and shall report to each session of the legislative assembly. The commission may secure office space and employ needed personnel for the performance of its duties, may hire consultants, and may contract with public entities or private parties for services. The agricultural products utilization commission shall have an advisory committee composed of three persons, one each designated by the director of the business and industrial development department, the president of the North Dakota state university, and the state commissioner of agriculture. However, the commission may not expend any moneys under this section without the prior approval of the commissioner of agriculture.

SECTION 5. AMENDMENT. Section 57-50-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR - REDUCTION FOR AGRICULTURALLY DERIVED ALCOHOL MOTOR VEHICLE FUEL TAX AGRICULTURAL PRODUCTS UTILIZATION FUND. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by him upon the presentation to and the approval of the tax commissioner of a claim for refund. Provided, however, the amount of the tax refund provided for in this section shall be reduced by one-eighth one-fourth cent per gallon [3.79 liters], and the one-eighth one-fourth cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived alcohol motor vehicle fuel tax agricultural products utilization fund. However, the amount of tax refund shall not be reduced by one-fourth cent per gallon [3.79 liters] for any claim for a refund submitted for aviation motor fuel by aircraft users. Those persons who have a valid tax assignment permit issued by the state tax commissioner under the provisions of section 57-50-11.1 shall be charged one-eighth one-fourth cent per gallon [3.79 liters] by the dealer and the one-eighth one-fourth cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit. Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

SECTION 6. AMENDMENT. Section 57-50-03.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-03.1. REFUND TO PREVENT DOUBLE TAXATION - REDUCTION FOR AGRICULTURALLY DERIVED ALCOHOL MOTOR VEHICLE FUEL TAX AGRICULTURAL PRODUCTS UTILIZATION FUND. Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by chapter 57-52 or chapter 57-54 has been paid who thereafter removes such fuel from this state to another state which requires payment of a

tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to chapter 57-52 or chapter 57-54. Provided, however, the refund of tax paid pursuant to chapter 57-54 shall be reduced by the amount provided in section 57-50-01, and the reduction shall be deposited in the ~~agriculturally derived-alcohol-motor-vehicle-fuel-tax~~ agricultural products utilization fund. Such refund shall be granted only upon application to the tax commissioner on forms prescribed by the tax commissioner, including proof of payment of the tax imposed by the other state, and shall be subject to the limitations provided in section 57-50-03. The tax provided for in chapter 57-53 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 7. AMENDMENT. Section 57-50-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-05. REFUND TO STATE OR POLITICAL SUBDIVISION. When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any county, city, township, park district, or other municipality in the state and where public funds of the United States, state, county, city, township, park district, or other municipality are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel shall be subject to a refund of the tax paid thereon as provided for in this chapter and under the same terms and conditions. Provided, however, the refund provided for in this section shall not be reduced ~~for deposit to the agriculturally-derived-alcohol-motor-vehicle-fuel-tax fund~~ by the amount to be deposited in the agricultural products utilization fund pursuant to section 57-50-01.

SECTION 8. AMENDMENT. Section 57-54-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. TAX IMPOSED ON MOTOR VEHICLE FUELS - TAX REDUCED FOR ~~AGRICULTURALLY-DERIVED-ALCOHOL-BLENDED~~ AGRICULTURAL AND BIOMASS RESIDUE DERIVED FUELS. There is hereby imposed a tax of eight cents per gallon [3.79 liters] on all motor vehicle fuel sold or used in this state. Provided, however, the tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ~~ethyl~~ alcohol whose purity is at least ninety-nine percent alcohol shall be four cents per gallon [3.79 liters]. The tax imposed by this section shall be collected by the dealer from the consumer on all sales. Sales of fuel in the original package may be made to a licensed dealer, and he shall have the option of collecting the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer shall be liable for the tax thereon.

SECTION 9. AMENDMENT. Section 57-50-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-01. REFUND OF TAX PROVIDED FOR ~~--REDUCTION FOR AGRICULTURAL PRODUCTS UTILIZATION FUND~~. Any person who shall buy or use any motor vehicle fuel as defined in subsection 2 of section 57-54-03, for agricultural or industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the state of North Dakota on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time hereinafter provided, the amount of such tax paid by

him upon the presentation to and the approval of the tax commissioner of a claim for refund. ~~Provided, however, the amount of the tax refund provided for in this section shall be reduced by one-fourth cent per gallon {3.79 liters}, and the one-fourth cent per gallon {3.79 liters} withheld from the refund shall be deposited in the agricultural products utilization fund. However, the amount of tax refund shall not be reduced by one-fourth cent per gallon {3.79 liters} for any claim for a refund submitted for aviation motor fuel by aircraft users. These persons who have a valid tax assignment permit issued by the state tax commissioner under the provisions of section 57-50-11, i shall be charged one-fourth cent per gallon {3.79 liters} by the dealer and the one-fourth cent charge shall be remitted to the state tax commissioner by the dealer when the dealer submits the tax assigned invoices for credit.~~ Those aviation gasoline fuel taxes collected, upon which no refund is claimed and those revenues remaining as unclaimed refunds under the provisions of the statutory refunds on aviation gasoline and aviation motor fuels are hereby appropriated, in accordance with the time limitations as provided by law, and used exclusively for construction, reconstruction, repair, maintenance, and operation of small landing strips near highways and communities in this state and for the purchase of necessary land required therefor and shall be administered and expended by the state of North Dakota aeronautics commission for the above purpose.

SECTION 10. AMENDMENT. Section 57-50-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-03.1. REFUND TO PREVENT DOUBLE TAXATION ~~REDUCTION FOR AGRICULTURAL PRODUCTS UTILIZATION FUND.~~ Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by chapter 57-52 or chapter 57-54 has been paid who thereafter removes such fuel from this state to another state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to chapter 57-52 or chapter 57-54. ~~Provided, however, the refund of tax paid pursuant to chapter 57-54 shall be reduced by the amount provided in section 57-50-01, and the reduction shall be deposited in the agricultural products utilization fund.~~ Such refund shall be granted only upon application to the tax commissioner on forms prescribed by the tax commissioner, including proof of payment of the tax imposed by the other state, and shall be subject to the limitations provided in section 57-50-03. The tax provided for in chapter 57-53 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 11. AMENDMENT. Section 57-50-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-50-05. REFUND TO STATE OR POLITICAL SUBDIVISION. When any construction, reconstruction, or maintenance of a public road, highway, street, or airport is undertaken by the state or any county, city, township, park district, or other municipality in the state and where public funds of the United States, state, county, city, township, park district, or other municipality are directly used for the purchasing of motor vehicle fuel to be used in publicly owned vehicles for such construction, reconstruction, or maintenance, such motor vehicle fuel shall be subject to a refund of the tax paid thereon as provided for in this chapter and under the same terms and conditions. ~~Provided, however, the refund provided for in this section shall not be reduced by the amount to be deposited to the agricultural products utilization fund pursuant to section 57-50-01.~~

SECTION 12. EFFECTIVE DATE - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION RECONSTITUTED ON EFFECTIVE DATE.

- 1. Sections 9 through 11 of this Act shall become effective on July 1, 1983.
- 2. The agricultural products utilization commission shall be reconstituted, pursuant to section 3 of this Act, on the effective date of this Act. The governor shall arrange for an appropriate staggering of terms under section 3 of this Act.

SECTION 13. EMERGENCY. Sections 1 through 8, 12, and 13 of this Act are hereby declared to be an emergency measure and shall be in effect from and after their passage and approval."

And renumber the lines and pages accordingly

For the Senate
 Sen. Adams Mark P. Adam
 Sen. Goodman Goodman
 Sen. Barth Barth

For the House
 Rep. Hughes Stuart Hughes
 Rep. Moor W. J. Moor
 Rep. Berg Gordon Berg

Senate Bill No. 2249 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. 1033 has had the same under

consideration and recommends:

That the House accede to the Senate amendments and that House Bill 1033 as reengrossed by the Senate be further amended as follows:

On page 2, line 33 of the reengrossed bill, after the word "council" insert the word "respectively"

And renumber lines and pages accordingly

For the Senate
 Sen. Melland Melland
 Sen. Striebel Striebel
 Sen. Walsh Walsh

For the House
 Rep. Kolland Paul Kolland
 Rep. Marsden Marsden
 Rep. O. Solberg O. Solberg

HOUSE Bill No. 1033 was placed on the 7th


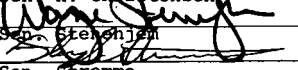
order of business on the calendar for the succeeding legislative day.

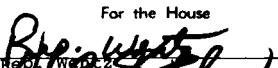
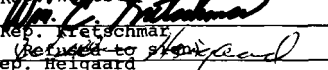
Mr. President: Your Conference Committee to whom was referred House Bill No. 1060 has had the same under

consideration and recommends:

That the House accede to the Senate amendments and that House Bill 1060 as reengrossed by the Senate be further amended as follows:

On page 23, line 22 of the reengrossed bill, delete the number "39" and insert in lieu thereof "49"

For the Senate

 Sen. H. Christensen

 Sen. Stromme

For the House

 Rep. Krietschmar

 Rep. Heigaard

House Bill No. 1060 was placed on the 7th

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

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

red House Bill No. 1061 has had the same under

consideration and recommends:

That the House accede to the Senate amendments and that House Bill 1061 as reengrossed by the Senate be further amended as follows:

On page 32, line 32 of the reengrossed bill, overstrike the word "ten" and insert in lieu thereof "ninety"

On page 32, line 34 of the reengrossed bill, after the word "copy", insert the words "or at rates which may be set by the supreme court by rule or special order specifically superseding the rates herein provided"

On page 33, line 12 of the reengrossed bill, remove the overstrike over the word "county"

On page 33, line 13 of the reengrossed bill, remove the word and comma "state," and insert in lieu thereof the words "or state as ordered by the court"

On page 33, line 14 of the reengrossed bill, remove the overstrike over the word "at", and on the same line after the word "county's" insert the words "county or state", and on the same line remove the overstrike over the word "expense", and on the same line delete the word "pursuant"

On page 33, line 15, delete the words and numerals "to section 27-06-06"

On page 65, line 5 of the reengrossed bill, delete the following: "27-20-05.1 of the 1979"

On page 65 of the reengrossed bill, delete line 6

On page 65, line 7 of the reengrossed bill, delete the word "are" and insert in lieu thereof "is"

On page 65, after line 7 of the reengrossed bill, insert the following new section:

"SECTION 112. REPEAL. Section 27-20-05.1 of the 1979 Supplement to the North Dakota Century Code is hereby repealed."

On page 65, line 8 of the reengrossed bill, delete the following: "73, 77," and insert in lieu thereof "51, 53"

On page 65, line 9 of the reengrossed bill, delete the following: "and 81 through 110" and insert in lieu thereof "through 73, 76, and 80 through 111"

And renumber the lines, sections, and pages accordingly

For the Senate
 Hae Christensen
 Sen. Stenejem
 Sen. Stromme

For the House
 Rep. Wentz
 Rep. Kretschmar
 Rep. Heigaard

House Bill No. 1061 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. 1204 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1204 as reengrossed by the Senate be further amended as follows:

On page 10 of the reengrossed bill, line 22, delete the word "documentation" and insert in lieu thereof the word "determination"

On page 10 of the reengrossed bill, line 25, delete the words "in its determination of need"

And renumber the lines and pages accordingly

For the Senate
 Senator Peterson
 Senator Stenejem
 Senator Grothberg

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

HOUSE Bill No. 1204 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. 1218 has had the same under consideration and recommends:

That the House accede to the Senate amendments to engrossed House Bill No. 1218.

For the Senate
 Sen. Stenejem
 Sen. H. Christensen
 Sen. Stromme

For the House
 Rep. Boylston
 Rep. Black (Refused to sign)
 Rep. Heigaard

House Bill No. 1218 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. 1277 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill 1277 be amended as follows:

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

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

SECTION 1. DEFINITIONS.

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

outside the limits of a city but within a county. Such club shall have existed in this state for two years.

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

Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the stated uses. Uses shall not include any activities consisting of attempts to influence legislation or participation in any political

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campaign on behalf of any active official or person who is or has been a candidate for public office.

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

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

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

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

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

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

3. Games of chance shall be operated or conducted only on premises or sites set forth in the application as follows:
 - a. Class A license applicants shall be limited to one location. A special permit for an alternate location may be granted by the attorney general for a single specific occasion upon written request.

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

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

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

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

- i. No person, except a member or employee of an eligible organization or a member of an organization

auxiliary to an eligible organization, may assist in the holding, operating, or conducting of any game of chance under this Act.

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

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

1. Eligible organizations licensed by the attorney general shall be permitted to conduct bingo, raffles, pull tabs, jars, punchboards,

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twenty-one, and sports pools for professional sports only.

2. College fraternities or sororities may conduct raffles and bingo.

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

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

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

SECTION 11. STATEMENT OF RECEIPTS - EXPENSES.

1. All moneys collected or received from games of chance and admissions thereto, except cash prizes of one hundred dollars or less paid immediately, shall be deposited in a special account of the eligible organization which shall contain only such money. Cash prizes of more than one hundred dollars, the purchase prices of merchandise prizes, and all expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense or prize for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.
2. No part of the net proceeds after they have been given over to another organization shall

be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of games of chance by the donor organization.

3. No item of expense incurred in connection with holding, operating, or conducting any game of chance pursuant to this Act shall be deducted from adjusted gross proceeds, except bona fide expenses of a reasonable amount actually and necessarily incurred and directly attributable only to the conduct of the games of chance. Bona fide expenses shall not include overhead, capital costs, and general maintenance. Total expenses for games of chance shall not exceed thirty-five percent of the total adjusted gross proceeds from each such occasion. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act before any reduction for taxes.
4. Expense payments for games of chance deductible from adjusted gross proceeds shall be made only for the following purposes:
 - a. The purchase of necessary goods, wares, and merchandise.
 - b. The securing of services reasonably necessary for repair of equipment, and for operating or conducting games of chance.
 - c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
 - d. For accountant's fees.
 - e. For license fees.

SECTION 12. TAX BASED ON ADJUSTED GROSS PROCEEDS. A tax of five percent of the total adjusted gross proceeds received by a licensed eligible organization shall be paid to the licensing authority for deposit in the general fund on a quarterly basis in such manner and upon such forms as shall be prescribed by the licensing authority by rule. The figure used for adjusted gross proceeds shall be as determined in subsection 1 of section 1 of this Act before any reduction for expenses. The amount of this tax shall be paid from adjusted gross proceeds and not charged against the percentage limitation of expenses.

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

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

Every nonresident manufacturer or distributor of raffle tickets or equipment for games of chance doing business in this state shall appoint a North Dakota agent

who shall be licensed as a distributor. No distributor shall sell, market, or otherwise distribute raffle tickets or equipment for games of chance except to eligible organizations.

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

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

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

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

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

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

SECTION 17. RULES. The licensing authority shall adopt rules in accordance with chapter 28-32, relating to but not limited to methods of play, conduct, and promotion of games of chance; methods, procedures, and minimum standards for accounting and recordkeeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle tickets, bingo equipment, jars, pull tabs, punchboards, or any other implements of gambling used or distributed in this state to implement or effectuate the provisions and purposes of this Act; to ensure that the entire net proceeds of games of chance are devoted to educational,

charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act; to define capital improvements and furnishings; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees and taxes are paid; and to seek to prevent or detect unlawful gambling activity.

And renumber the lines, sections and pages accordingly.

For the Senate

 Sen. Holmberg

 Sen. [Signature]

 Sen. Stromme

For the House

 Rep. Bretzinger

 Rep. Conroy

 Rep. Heigaard

House Bill No. 1277 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. 1509 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that House Bill 1509 be further amended as follows:

- On page 1 of the engrossed bill, line 4, delete the words "and a criminal"
- On page 1 of the engrossed bill, line 5, delete the words "justice advisory board"
- On page 1 of the engrossed bill, line 5, after the word "require" insert the words "training and"
- On page 1 of the engrossed bill, line 6, delete the words "law enforcement" and insert in lieu thereof the word "peace", and after the word "officers" and before the semicolon insert the following: " local correctional officers, and sheriffs"
- On page 1 of the engrossed bill, line 7, delete the following: ", local correctional officers, sheriffs,"
- On page 1 of the engrossed bill, line 8, delete the words "peace officers"
- On page 1 of the engrossed bill, line 22, after the period insert the following sentence: "The attorney general shall supervise the criminal justice training and statistics division."
- On page 1 of the engrossed bill, line 24, after the word "certify" insert the words "and conduct", and delete the words "law enforcement" and insert in lieu thereof the word "peace"
- On page 1 of the engrossed bill, line 25, after the first comma insert the following: "local correctional officers, and sheriffs,", and after the word "for" delete the words and comma "local correctional officers,"
- On page 1 of the engrossed bill, line 26, delete the words and commas ", peace officers, sheriffs,"

- On page 2 of the engrossed bill, line 3, delete the word "law"
- On page 2 of the engrossed bill, line 4, delete the word "enforcement and insert in lieu thereof the word "peace", and after the word "officers" insert an underscored period and delete the remainder of the line
- On page 2 of the engrossed bill, delete lines 5 and 6
- On page 2 of the engrossed bill, line 7, delete the words "law enforcement" and insert in lieu thereof the word "peace"
- On page 2 of the engrossed bill, line 10, delete the words "law enforcement" and insert in lieu thereof the words "peace officer"
- On page 2 of the engrossed bill, line 16, delete the words "law enforcement" and insert in lieu thereof the words "peace officer", and after the word "training" insert an underscored period and delete the remainder of the line
- On page 2 of the engrossed bill, delete line 17
- On page 2 of the engrossed bill, line 18, delete the word "weapons" and insert in lieu thereof the word "sidearm"
- On page 2 of the engrossed bill, line 19, delete the words "law enforcement" and insert in lieu thereof the word "peace"
- On page 3 of the engrossed bill, delete lines 14 through 35, and insert in lieu thereof the following new section:

"SECTION 3. PEACE OFFICER STANDARDS AND TRAINING BOARD - MEMBERSHIP - DUTIES. A peace officer standards and training board is created under the law enforcement training and statistics division. The board shall consist of seven members. The director of the law enforcement training center shall be a member of the board. The other six members shall be four peace officers, one county government representative, and one city government representative. These six persons shall be appointed by the attorney general and shall serve staggered two-year terms as he directs. The attorney general shall also appoint the chairman. The director of the criminal justice training and statistics division shall be an ex-officio non-voting member of the board. The board shall exercise through the division director, the powers and duties of the division in establishing training and setting standards for peace officers and local correctional officers."

- On page 4 of the engrossed bill, delete lines 1 through 13
- On page 4 of the engrossed bill, line 16, delete the word "weapon" and insert in lieu thereof the word "sidearm"
- On page 4 of the engrossed bill, line 21, delete the words "law enforcement" and insert in lieu thereof the words "peace officer"
- On page 5 of the engrossed bill, line 2, delete the words "division with the advice of"
- On page 5 of the engrossed bill, line 3, delete the words "the criminal justice advisory" and insert in lieu thereof the words "peace officer standards and training"
- On page 5 of the engrossed bill, line 7, delete the words "and criminal"
- On page 5 of the engrossed bill, line 12, delete the word "POLICE" and insert in lieu thereof the word "PEACE", and after the word "newly" insert the words "elected or"
- On page 5 of the engrossed bill, line 13, delete the words "police chief and police" and insert in lieu thereof the word "peace", and after the word "officer" insert the following: ", except prosecutors,"
- On page 5 of the engrossed bill, line 16, delete the words "police chief" and insert in lieu thereof the words "peace officer"

On page 5 of the engrossed bill, line 30, after the period insert the following sentence: "The attorney general may adopt rules to carry out the powers and duties assigned to the criminal justice training and statistics division.", and delete the words "and regulations"

On page 5 of the engrossed bill, line 31, delete the word "division" and insert in lieu thereof the words "attorney general"

On page 6 of the engrossed bill, line 6, delete the word "conducting" and insert in lieu thereof the word "coordinating", and delete the words "law enforcement" and insert in lieu thereof the words "peace officer"

On page 6 of the engrossed bill, line 8, delete the words "law enforcement" and insert in lieu thereof the words "peace officer"

On page 6 of the engrossed bill, line 10, delete the words "criminal justice" and insert in lieu thereof the words "peace officer standards and" and after the word "training" delete the word "and" and insert in lieu thereof the word "board"

On page 6 of the engrossed bill, line 11, delete the following: "statistics division of the attorney general's office,"

On page 6 of the engrossed bill, line 12, delete the words "law enforcement" and insert in lieu thereof the words "peace officer"

On page 6 of the engrossed bill, line 13, delete the words "criminal justice training and" and insert in lieu thereof the following: "peace officer standards and training board."

On page 6 of the engrossed bill, delete line 14

And renumber the lines, sections, and pages accordingly

For the Senate

For the House

Mark Sorum
Sen. Sorum
Dan Iszler
Sen. Iszler
Sen. Lashkowitz
Sen. Lashkowitz

Craig G. Riche
Rep. Riche
Rep. Hill
Rep. Hill
Rep. Sorum
Rep. Sorum

House Bill No. 1509 was placed on the 7th

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

MOTIONS

Senator Nething moved that the Senate return Senate Concurrent Resolution No. 4041 to the House, which motion prevailed.

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

The Senate reconvened, with President Sands presiding.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

ALLEN I. OLSON
Governor

March 30, 1981

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

Dear Mr. President:

This is to inform you that on March 30, 1981, I signed the following Senate Bill:

Senate Bill: 2338

Sincerely,
ALLEN I. OLSON
Governor

Report of Procedural Committee

MR. PRESIDENT:

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

Senate Bill No. 2001
Senate Bill No. 2002
Senate Bill No. 2004
Senate Bill No. 2006
Senate Bill No. 2008
Senate Bill No. 2013
Senate Bill No. 2014
Senate Bill No. 2015
Senate Bill No. 2016
Senate Bill No. 2017
Senate Bill No. 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. 2039
Senate Bill No. 2203
Senate Bill No. 2217
Senate Bill No. 2271
Senate Bill No. 2438
Senate Concurrent Resolution No. 4016

and find the same correctly } Enrolled


Stella H. Fritzell
Chairman

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Thane moved that the Conference Committee Report on Senate Bill No. 2038 be adopted, which motion prevailed.

Senator Thane moved that the rules be suspended, that Senate Bill No. 2038 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. 2038. — A Bill for an Act to create and enact a new subsection to section 65-13-15 of the North Dakota Century Code, relating to placing funds in reserve for the payment of claims; and to make an appropriation for defraying the expenses of the Crime Victims Reparations Act under the supervision 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 48, nays 1, absent and not voting 1.

NORTH DAKOTA SENATE								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● 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			● STENEHEJM		

So the bill passed and the title was agreed to.

Senator Adams moved that the Conference Committee Report on Senate Bill No. 2249 be adopted, which motion prevailed.

Senator Adams moved that the rules be suspended, that Senate Bill No. 2249 be deemed properly re-engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senate Bill No. 2249. — A Bill for an Act to amend sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 4-14.1-04, 57-50-01, 57-50-03.1, 57-50-05, and 57-54-08 of the North Dakota Century Code, relating to the production and taxation of synthetic fuels from agricultural products and meetings, personnel, and expenses of the agricultural products utilization commission; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 8, nays 42, 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
● 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			● STENEHEJM		

Senate Bill No. 2249 was declared lost.

Senator Melland moved that the Conference Committee Report on House Bill No. 1033 be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1033 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

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

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1033 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator H. Christensen moved that the Conference Committee Report on House Bill No. 1060 be adopted, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that House Bill No. 1060 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1060. — A Bill for an Act to provide for a county court in each county, the sharing of the services of a county judge by two or more counties, magistrates, clerks of court, court reporting services, jurisdiction, and practice and procedure in the county court; to create and enact sections 27-01-01.1 and 30.1-02-06.1 of the North Dakota Century Code, providing for the assumption of the expenses of the district courts by the state and appeals under the Uniform Probate Code; to amend and reenact sections 11-11-12, 27-01-05, 27-05.1-05, 27-06-02, 27-06-06, 27-06-09, 27-09.1-14, 27-20-05, subsection 1 of section 27-20-07, sections 27-20-49, 29-07-01.1, and 29-32-05 of the North Dakota Century Code, relating to supplies and attendants for local courts, expenses of actions following a change of venue, family court budgets, salaries and expenses of district court reporters, transcripts in criminal actions, bailiffs of district courts, compensation of jurors, salaries of juvenile court personnel, costs involved in treatment and adjudication of juveniles, and payment of indigent defense expenses; to repeal chapters 27-07, 27-08, 27-18, 30-26, 33-01, 33-02, 33-03, 33-04, 33-05, 33-07, 33-08, 33-09, 33-10, 33-11, and 33-12 of the North Dakota Century Code, relating to the county courts, the county courts of increased jurisdiction, and the county justice courts; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 45, nays 5, 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			● GROTBERG			● 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		
● 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 Nothing moved that the vote by which House Bill No. 1060 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator H. Christensen moved that the Conference Committee Report on House Bill No. 1061 be adopted, which motion prevailed.

Senator H. Christensen moved that the rules be suspended, that House Bill No. 1061 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1061 — A Bill for an Act to amend and reenact sections 4-16-09, 4-30-54, 11-03-08, 11-05-16, 11-08-06, 11-08-07, subsection 1 of section 11-08-08, sections 11-08-11, 11-08-13, 11-08-14, 11-09-22, 11-10-02, subsection 8 of section 11-10-06, subsections 2 and 4 of section 11-10-10, sections 11-11-10, 11-15-10, subsection 2 of section 11-17-01, subsection 18 of section 11-17-04, subsection 1 of section 11-17-08, sections 11-19-08, 11-19-13, 11-19-14, 11-19-15, 11-30-16, 12-45-01, 12-46-13, 12-51-07, 12-53-05, 12-53-13, 12-60-13.1, 12.1-01-04, 14-03-09, 15-22-06, 18-02-09, 19-01-12, 23-05-06, 23-07.1-08, 23-07.1-09, 23-07.1-10, 24-06-05, 24-07-22, 24-07-24, 24-07-25, 24-07-28, subsections 2 and 8 of section 25-03.1-02, sections 25-03.1-03, 25-03.1-29, 27-01-01, 27-02-11, 27-02-13, subsection 4 of section 27-05-06, sections 27-06-08, 27-08.1-01, 27-08.1-03, 27-08.1-08, 27-08.2-01, 27-15-01, 27-15-02, 27-15-10, subsection 2 of section 27-23-01, sections 27-23-02, 28-20-19, 28-20-22, 28-26-07, 28-26-19, 29-01-01, subsection 4 of section 29-01-09, sections 29-01-14, 29-01-15, 29-02-13, 29-05-31, 29-07-06, 29-10.1-38, 29-22-01, 29-22-02, subsection 6 of section 30.1-01-06, sections 31-01-16, 31-01-18, 31-01-19, 31-09-05, 31-09-06, 31-09-07, 32-22-18, 32-24-01, 32-29-05, 33-06-01, 33-06-03, 33-06-04, 36-01-17, 36-01-18, 36-11-10, 36-11-11, 39-06-16, subsection 7 of section 39-06.1-03, sections 40-13-02, 40-18-01, 40-18-03, 40-18-14, 40-18-19, 42-01-07, 42-03-01, 42-03-03, 44-05-01, 44-08-09, 44-09-01, 44-11-12, 46-04-01, 46-04-05, 47-19-14, and 47-19-37 of the North Dakota Century Code, changing references in the North Dakota Century Code to county court of increased jurisdiction, county judges with increased jurisdiction, county justice court, and county justices to county court and county judge, and to require that certain district court expenses be paid by the state; to repeal sections 27-20.05.1 and 28-26-03 of the North Dakota Century Code, relating to county juvenile supervisors and costs on appeal from a county justice; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 47, nays 3, 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			• DLIN			• TALLACKSON		
• BARTH			• ISZLER	•		• PARKER			• TENNEFOS		
• BERUBE			• LASHKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. JS			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. FW			• LEIHAN			• REULIN			• 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 Nething moved that the vote by which House Bill No. 1061 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Adams moved that the Conference Committee Report on House Bill No. 1371 as printed on pages 1863, 1864 of the Senate Journal be adopted, which motion prevailed.

Senator Adams moved that the rules be suspended, that House Bill No. 1371 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1371. — A Bill for an Act to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to salary and expenses of juvenile supervisors.

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 2, nays 47, absent and not voting 1.

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

House Bill No. 1371 was declared lost.

Senator Peterson moved that the Conference Committee Report on House Bill No. 1204 be adopted, which motion prevailed.

Senator Peterson moved that the rules be suspended, that House Bill No. 1204 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1204. — A Bill for an Act to amend and reenact sections 23-17.2-01, 23-17.2-02, 23-17.2-03, 23-17.2-04, 23-17.2-05, 23-17.2-09, 23-17.2-11, 23-17.2-13, 23-17.2-14, and 23-17.2-15 of the North Dakota Century Code, relating to the certification of need for capital expenditures, new institutional health service, and major medical equipment.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 47, nays 2, absent and not voting 1.

REGULAR SESSION			NORTH DAKOTA SENATE ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS	●		● GROETBERG	●		● NELSON	●		● STREIBEL	●	
● ALBERS	●		● HANSON	●		● NETHING	●		● STROMME	●	
● BAKEWELL	●		● HOLMBERG	●		● OLIN	●		● TALLACKSON	●	
● BARTH	●		● ISZLER	●		● PARKER	●		● TENNEFOS	●	
● BERUBE	●		● LASHKOWITZ	●		● PETERSON	●		● THANE	●	
● CHRISTENSEN, H. JS	●		● LEE	●		● QUAIL	●		● TIERNEY	●	
● CHRISTENSEN, R. FM	●		● LEIHAN	●		● REDLIN	●		● TWETEN	●	
● CUSSONS	●		● LIPS	●		● REITEN	●		● VOSPER	●	
● DOTZENROD	●		● LOOEN	●		● 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 Nothing moved that the vote by which House Bill No. 1204 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOMENT OF SILENT PRAYER

The President requested that the Senate rise for a minute of silent prayer for the tragedies that have happened in Washington, D.C. this afternoon.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Holmberg moved that the Conference Committee Report on House Bill No. 1218, that the House accede to the Senate amendments, be adopted, which motion prevailed.

Senator Holmberg moved that the Conference Committee Report on House Bill No. 1277 be adopted, which motion prevailed.

Senator Holmberg moved that the rules be suspended, that House Bill No. 1277 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1277. — A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo, raffles, pull tabs, jars, punchboards, sports pools and twenty-one; and to provide for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games, bookkeeping requirements, expense requirements, a tax based on adjusted gross proceeds, examination of books and records, licensure of distributors, form and display of licensure, and rules; to provide a penalty.

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 34, nays 15, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
YEAS			NAYS			YEAS			NAYS		
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. #W			• 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 Nothing moved that the vote by which House Bill No. 1277 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Sorum moved that the Conference Committee Report on House Bill No. 1509 as printed on page 1911 of the Senate Journal be adopted, which motion prevailed.

Senator Sorum moved that the rules be suspended, that House Bill No. 1509 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

House Bill No. 1509. — A Bill for an Act to create a criminal justice training and statistics division within the office of attorney general; to provide for powers and duties of the division; to create a peace officer training and standards board within the division; to require training and certification of peace officers, local correctional officers, and sheriffs; to require training for state's attorneys and defense attorneys; to provide for rulemaking power and an appeals procedure; to create a new section to chapter 39-03, relating to the provision of training at the law enforcement training center; to amend and reenact subsection 4 of section 12-44.1-04 of the North Dakota Century Code, relating to jail management training; and to repeal chapter 12-61 of the North Dakota Century Code, relating to the combined law enforcement council.

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 32, nays 17, absent and not voting 1.

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

So the bill passed and the title was agreed to.
 Senator Nething moved that the vote by which House Bill No. 1509 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE TO THE HOUSE
 Senate Chamber

Mr. Speaker: I have the honor to return herewith the following on which the Senate has adopted the conference committee report and subsequently passed:
 House Bill No. 1418
 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,

LEO LEIDHOLM, Secretary
 MESSAGES FROM THE HOUSE
 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. 1027
- House Bill No. 1050

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

- Senate Bill No. 2117
- Senate Bill No. 2127
- Senate Bill No. 2152
- Senate Bill No. 2213
- Senate Bill No. 2228
- Senate Bill No. 2286
- Senate Bill No. 2363
- Senate Bill No. 2374
- Senate Bill No. 2404
- Senate Concurrent Resolution No. 4087

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

- Senate Bill No. 2364

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2025 has had the same under

consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2025 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the words "business and industrial development department" and insert in lieu thereof the words "economic development commission"

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the following: "; and providing for a transfer"

On page 1 of the engrossed bill, line 10, delete the word "business"

On page 1 of the engrossed bill, line 11, delete the words "and industrial development department" and insert in lieu thereof the words "economic development commission"

On page 1 of the engrossed bill, line 15, delete the numerals "1,138,172" and insert in lieu thereof the numerals "1,014,280"

On page 1 of the engrossed bill, line 16, delete the numerals "1,321,296" and insert in lieu thereof the numerals "1,301,296"

- On page 1 of the engrossed bill, line 18, delete the numerals "33,875" and insert in lieu thereof the numerals "8,500"
- On page 1 of the engrossed bill, line 19, delete the numerals "2,494,843" and insert in lieu thereof the numerals "2,325,576"
- On page 1 of the engrossed bill, line 20, delete the numerals "1,269,767" and insert in lieu thereof the numerals "1,260,676"
- On page 1 of the engrossed bill, line 21, delete the numerals "1,225,076" and insert in lieu thereof the numerals "1,064,900"
- On page 2 of the engrossed bill, delete lines 9 through 18 and insert in lieu thereof the following:

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

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

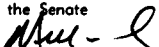
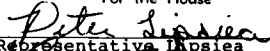
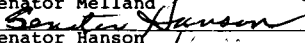
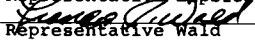
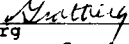
The salaries and wages line item for the Economic Development Commission is reduced by \$123,892. The \$123,892 consists of a reduction of \$26,723, \$17,632 from the general fund and \$9,091 from special funds, to delete funds for a noncontributory retirement plan; and a reduction of \$97,169 from the general fund to delete funding for a secretary and an industrial development analyst.

The operating expenses line item is reduced by \$20,000 from the general fund for those operating expenses associated with the deleted positions.

The equipment line item is reduced by \$25,375 from the general fund for the equipment associated with the deleted positions.

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

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

For the Senate	For the House
	
Senator Melland _____	Representative Ipsiea _____
	
Senator Hanson _____	Representative Wald _____
	Representative Mushik-refused to sign
Senator Grotberg _____	Representative Mushik-refused to sign

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Melland moved that the rules be suspended, that Senate Bill No. 2025 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. 2025. — A Bill for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; and providing for a transfer.

Which has been read.

ROLL CALL

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

REGULAR SESSION									1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	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			● LEIBMAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2025 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Report of Conference Committees

Mr. _____ PRESIDENT _____: Your Conference Committee to whom was referred House _____ Bill No. 1027 has had the same under consideration and recommends:

CONFERENCE COMMITTEE
AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1027

That the Senate recede from its amendments and that engrossed House Bill No. 1027 be amended as follows:

- On page 1 of the engrossed bill, line 18, delete the numerals "2,176,366" and insert in lieu thereof the numerals "2,109,406"
- On page 1 of the engrossed bill, line 19, delete the numerals "1,088,440" and insert in lieu thereof the numerals "1,054,734"
- On page 1 of the engrossed bill, line 23, delete the numerals "704,550" and insert in lieu thereof the numerals "450,000"
- On page 1 of the engrossed bill, delete lines 24 and 25
- On page 1 of the engrossed bill, line 26, delete the numerals "4,694,701" and insert in lieu thereof the numerals "4,319,485"
- On page 1 of the engrossed bill, line 27, delete the numerals "736,000" and insert in lieu thereof the numerals "731,313"
- On page 1 of the engrossed bill, line 28, delete the numerals "3,958,701" and insert in lieu thereof the numerals "3,588,172"
- On page 2 of the engrossed bill, line 6, delete the numerals "4,300,701" and insert in lieu thereof the numerals "3,930,172"
- On page 2 of the engrossed bill, line 7, delete the numerals "736,000" and insert in lieu thereof the numerals "731,313"

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

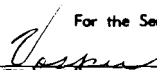


On page 2 of the engrossed bill, delete lines 23 through 33 and insert in lieu thereof the following:

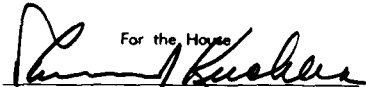
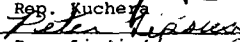
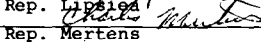
"SECTION 4. It is the intent of the legislative assembly that the reduction of \$254,550 to the capital improvements line item recommended in the executive budget is a reduction related to improvements at Fort Totten historic site. It is also intended that \$20,000 of the capital improvements line item by used to install a sprinkler system at the little theatre at Fort Totten historic site."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The State Historical Board salaries and wages line item is reduced \$66,960, of which \$62,273 is from the general fund and \$4,687 is estimated income, to delete funds for the noncontributory retirement plan. The operating expenses line item is reduced \$33,706 from the House version in accordance with legislative guidelines of nine percent per year. The \$20,000 line item for a sprinkler system at Little Theatre at Fort Totten is combined with the capital improvements line item. The total of the capital improvements line item is reduced \$254,550 from the \$438,300 allowed in the executive budget for improvements at Fort Totten Historic Site. Expenditures from the capital improvements line item are to include \$20,000 to be used to install a sprinkler system at the Little Theatre at Fort Totten Historic Site.

For the Senate

 SEN. VOSPER

 SEN. WENSTROM

 SEN. TALLACKSON

For the House

 Rep. Kuchera

 Rep. Lipsig

 Rep. Mertens

Sen. Vosper moved that the report be adopted, which motion

prevailed.

Senator Vosper moved that the rules be suspended, that House Bill No. 1027 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1027. — A Bill for an Act making an appropriation for defraying the expenses of the state historical board and international peace garden of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 45, nays 3, absent and not voting 2.

REGULAR SESSION									1981 LEGISLATURE								
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS			
●			●			●		●	●			●					
ADAMS			GROTEBERG			NELSON			STREIBEL								
●	●		●	●		●	●	●	●	●	●	●	●	●			
ALBERS			HANSON			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
BAKEWELL			HOLMBERG			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
BARTH			ISZLER			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
BERUBE			LASHKOWITZ			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
CHRISTENSEN, H. JS			LEE			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
CHRISTENSEN, R. JSM			LEIBMAN			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
CUSSONS			LIPS			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
DOTZENROD			LOODEN			●	●	●	●	●	●	●	●	●			
●			●			●	●	●	●	●	●	●	●	●			
DYKSHOORN			MELLAND			●	●	●	●	●	●	●	●	●			
●						●	●	●	●	●	●	●	●	●			

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

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

Senator Nething moved that the vote by which House Bill No. 1027 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORT OF CONFERENCE COMMITTEES

Mr. _____ PRESIDENT _____: Your Conference Committee to whom was referred _____ HOUSE _____ Bill No. 1050 _____ has had the same under

consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1050 as reengrossed by the Senate be further amended as follows:

- On page 1 of the reengrossed bill, line 1, after the word "to" insert the following: "amend and reenact section 1 of House Bill No. 1614, as approved by the forty-seventh legislative assembly, relating to recognition by the division of vocational rehabilitation of physical plant licensing by other governmental entities; and to"
- On page 1 of the reengrossed bill, line 5, after the word "the" insert the following: "developmental disabilities division,"
- On page 1 of the reengrossed bill, line 6, after the word "rehabilitation" insert a comma
- On page 1 of the reengrossed bill, line 7, after the word "health" and before the period insert the following: "; to provide effective dates; and to provide expiration dates"
- On page 1 of the reengrossed bill, after line 9, insert the following new section:

"SECTION 1. AMENDMENT. Section 1 of House Bill No. 1614, as enacted by the forty-seventh legislative assembly, is hereby amended and reenacted to read as follows:

RECOGNITION BY THE DIVISION OF PHYSICAL PLANT LICENSING BY THE STATE HEALTH DEPARTMENT AND THE DEVELOPMENTAL DISABILITIES DIVISION. In lieu of the division of vocational rehabilitation conducting an independent inspection of the physical plant of facilities licensed under chapters 23-16 or 25-16, the division may recognize and accept for purposes of this chapter the licensure of the physical plant of such facilities by the state department of health or by the developmental disabilities division of the department of human services. Division recognition and acceptance of the license issued by the state department of health department or the developmental disabilities division shall not exempt the facilities applying for license under this chapter from the program standards established by the vocational rehabilitation division."

- On page 1 of the reengrossed bill, line 10, delete the numeral "1" and insert in lieu thereof the numeral "2"
- On page 1 of the reengrossed bill, line 25, delete the numeral "2" and insert in lieu thereof the numeral "3"
- On page 2 of the reengrossed bill, line 11, remove the overstrike over the words "state-mental-health"

On page 2 of the reengrossed bill, line 12, remove the overstrike over the word "~~and-retardation~~"

On page 2 of the reengrossed bill, after line 13, insert the following new section:

"SECTION 4. AMENDMENT. Section 25-16-01 Of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-01. DEFINITIONS. In this chapter unless the context or subject matter otherwise requires:

1. "Treatment or care center" means any hospital, home, or other premises, owned and operated by a charitable nonprofit corporation or association, especially to provide relief, care, custody, treatment, day activity, work activity, or extended employment services to developmentally disabled persons.
2. "Division" means the ~~state-mental-health-and-retardation~~ developmental disabilities division of the state department of health human services."

On page 2 of the reengrossed bill, line 14, delete the numeral "3" and insert in lieu thereof the numeral "5"

On page 2 of the reengrossed bill, line 22, delete the numeral "4" and insert in lieu thereof the numeral "6"

On page 3 of the reengrossed bill, line 15, delete the numeral "5" and insert in lieu thereof the numeral "7"

On page 3 of the reengrossed bill, line 27, delete the numeral "6" and insert in lieu thereof the numeral "8"

On page 4 of the reengrossed bill, line 4, delete the numeral "7" and insert in lieu thereof the numeral "9"

On page 4 of the reengrossed bill, line 14, delete the numeral "8" and insert in lieu thereof the numeral "10"

On page 4 of the reengrossed bill, after line 29, insert the following new section:

"SECTION 11. AMENDMENT. Section 25-16-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-07. RECORDS OF TREATMENT OR CARE CENTER CONFIDENTIAL. No agent of the department of ~~health human services~~ or the superintendent of the Grafton state school or the licensee or their agents or employees shall disclose the contents of the individual records of a treatment or care center for developmentally disabled persons, nor of the reports received therefrom, except:

1. In a judicial proceeding when ordered by the presiding judge; or
2. To officers of the law or any other legally constituted boards or agencies serving the interests of the residents; or
3. To the parents or legal guardians of the resident."

On page 4 of the reengrossed bill, line 30, delete the numeral "9" and insert in lieu thereof the numeral "12"

On page 5 of the reengrossed bill, line 17, delete the numeral "10" and insert in lieu thereof the numeral "13"

On page 5 of the reengrossed bill, line 29, delete the numeral "11" and insert in lieu thereof the numeral "14"

On page 5 of the reengrossed bill, line 32, remove the overstrike over the words "~~state-mental-health~~"

On page 5 of the reengrossed bill, line 33, remove the overstrike over the words "~~and-retardation-division-of-the~~"

On page 6 of the reengrossed bill, after line 8, insert the following new section:

"SECTION 15. AMENDMENT. Section 25-16-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-10. PURCHASE OF SERVICES. The ~~state-mental-health and-retardation~~ developmental disabilities division of the state department of health human services is hereby authorized to purchase from funds appropriated to it for that purpose, residential care, custody, treatment, training, and education for developmentally disabled persons from any treatment or care center for such persons licensed in the state of North Dakota."

On page 6 of the reengrossed bill, line 9, delete the numeral "12" and insert in lieu thereof the numeral "16"

On page 6 of the reengrossed bill, line 12, remove the overstrike over the words "~~MENTAL-HEALTH-AND-RETARDATION~~"

On page 6 of the reengrossed bill, line 13, remove the overstrike over the word "~~DIVISION~~" and delete the words "DEPARTMENT OF HEALTH"

On page 6 of the reengrossed bill, line 28, remove the overstrike over the words "~~mental-health-and~~"

On page 6 of the reengrossed bill, line 29, remove the overstrike over the words "retardation", and remove the overstrike over the words "~~of-the-state-department-of-health~~"

On page 6 of the reengrossed bill, after line 35, insert the following new section:

"SECTION 17. AMENDMENT. Section 25-16-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-11. FUNDS OF STATE ~~MENTAL-HEALTH-AND-RETARDATION DIVISION~~ DEPARTMENT OF HUMAN SERVICES FOR PURCHASING RESIDENTIAL CARE, CUSTODY, TREATMENT AND EDUCATION FOR DEVELOPMENTALLY DISABLED PERSONS. All moneys received from appropriation by the legislative assembly to purchase residential care, custody, treatment, training, and education for developmentally disabled persons from any treatment or care centers licensed in North Dakota shall be kept by the state treasurer in a fund known as the "fund of the state department of health human services for purchasing residential care, custody, treatment, training, and education for developmentally disabled persons", and all expenditures made under the provisions of this chapter shall be upon warrants prepared by the department of accounts and purchases and signed by the state auditor, such expenditures to be supported by vouchers to be signed by the director of the ~~mental-health-and-retardation-division-of-the~~ state department of health human services or his agents, or by such other officer or assistants as the ~~division~~ director may designate and certify to the department of accounts and purchases. Any fund received from federal agencies shall be deposited and disbursed in the manner provided by Act of Congress or by the regulations of the federal agencies from which the funds were received."

On page 7 of the reengrossed bill, line 1, delete the numeral "13" and insert in lieu thereof the numeral "18"

On page 7 of the reengrossed bill, line 5, remove the overstrike over the words "~~state-mental-health-and-retardation~~"

On page 7 of the reengrossed bill, line 6, remove the overstrike over the words "division-of-the"

On page 7 of the reengrossed bill, after line 12, insert the following three new sections:

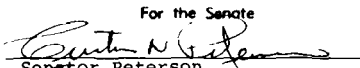
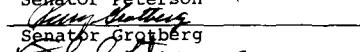
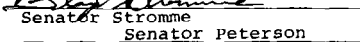
"SECTION 19. AMENDMENT. Section 25-16-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

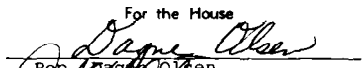
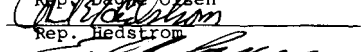
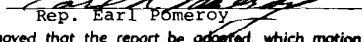
25-16-12. DIVISION EFFORTS TO OBTAIN PRIVATE AND GOVERNMENTAL GRANTS. The ~~state-mental-health-and-retardation developmental disabilities~~ division of the state department of health human services and the duly licensed treatment or care centers for developmentally disabled persons are hereby authorized to exert all possible efforts to obtain grants, both private and governmental, for the care, custody, treatment, training, and education of developmentally disabled persons.

SECTION 20. EFFECTIVE DATES. Sections 1, 4, 11, 15, 17, and 19 of this Act shall become effective on January 1, 1982.

SECTION 21. EXPIRATION DATES. Sections 3, 10, 14, 16, and 18 of this Act shall be effective through December 31, 1981, and after that date shall be ineffective."

And renumber the lines and pages accordingly

For the Senate

 Senator Peterson

 Senator Grotberg

 Senator Stromme
 Senator Peterson

For the House

 Rep. Olsen

 Rep. Hedstrom

 Rep. Earl Pomeroy

moved that the report be adopted, which motion

prevailed.

MOTION

Senator Peterson moved that the rules be suspended, that House Bill No. 1050 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1050. — A Bill for an Act to amend and reenact section 1 of House Bill No. 1614, as approved by the forty-seventh legislative assembly, relating to recognition by the division of vocational rehabilitation of physical plant licensing by other governmental entities; and to amend and reenact sections 25-15-05, 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-05, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-10, 25-16-11, and 25-16-12 of the North Dakota Century Code, relating to the licensure of facilities for developmentally disabled persons by the developmental disabilities division, division of vocational rehabilitation, and the state department of health; to provide effective dates; and to provide expiration dates.

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		
• ALBERG	•		• HANSON			• NETHING			• STROMME		
• BAKWELL			• HOLMBERG			• OLIN			• TALLACKSON		
• BARTH			• ISZLER			• PARKER			• TENNEFOS		
• BERUBE			• LASHKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. B.			• LEE			• QUAIL			• TIERNEY		

● CHRISTENSEN, R. RW	● LEIBHAN	● REDLIN	● TWETEN
● CUSONS	● LIPS	● REITEN	● VOSPER
● DOTZENROD	● LODDEN	● ROEN	● WALSH
● DYKSHOORN	● MELLAND	● SHABLOW	● WENSTROM
● ERICKSON	● MOORE	● SOLBERG	● WRIGHT
● FRITZELL	● MUTCH	● SORUM	MR. PRESIDENT
● GOODMAN	● NAADEN	● STENEHJEM	

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1050 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTION

Senator Hanson moved that the Senate reconsider its action whereby it did not concur in the House amendments to Senate Bill No. 2060, and now does concur with the House amendments to Senate Bill No. 2060, which motion prevailed.

Senator Hanson moved that the rules be suspended, that Senate Bill No. 2060 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. 2060. — A Bill for an Act to license home health agencies.

Which has been read.

ROLL CALL

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

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

So the bill passed and the title was agreed to.

Senator Erickson moved that the Conference Committee Report on Senate Bill No. 2204 as printed on page 1859 of the Senate Journal be adopted, which motion prevailed.

Senator Erickson moved that the rules be suspended, that Senate Bill No. 2204 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. 2204. — A Bill for an Act to provide for the creation of regional railroad authorities and to empower these authorities to plan, acquire, and operate railroad lines; and to amend and reenact section 10-15-02 of the North Dakota Century Code relating to the purposes for which cooperatives may be organized.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 35, nays 13, 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
● ADAMS			● GROTEBERG			● NELSON		● STREIBEL
● ALBERS	●		● HANSON			● NETHING		● STROMME
● BAKWELL			● 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			● LODGEN	●		● ROEN	●	● WALSH
● DYKSHOORN			● MELLAND			● SHABLOW		● WENSTROM
● ERICKSON			● MOORE	●		● SOLBERG		● WRIGHT
● FRITZELL			● MUTCH	●		● SORUM		● MR. PRESIDENT
● GOODMAR			● NAADEN	●		● STENEHJEM		

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2204 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2038

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report and subsequently failed to pass:

Senate Bill No. 2249

Very respectfully,

LEO LEIDHOLM, Secretary

Senator Wentrom moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Concurrent Resolution No. 3069, which motion prevailed.

The President appointed as a Conference Committee on House Concurrent Resolution No. 3069:

Senator Wenstrom, Chairman

Senator Melland

Senator Nelson

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2049

Senate Bill No. 2078

Senate Bill No. 2079

Senate Bill No. 2122

Senate Bill No. 2132

Senate Bill No. 2141

Senate Bill No. 2158

Senate Bill No. 2161

Senate Bill No. 2237

Senate Bill No. 2291

Senate Bill No. 2306
 Senate Bill No. 2428
 Senate Concurrent Resolution No. 4067

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
 Senate Chamber

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

Senate Bill No. 2049
 Senate Bill No. 2078
 Senate Bill No. 2079
 Senate Bill No. 2122
 Senate Bill No. 2132
 Senate Bill No. 2141
 Senate Bill No. 2158
 Senate Bill No. 2161
 Senate Bill No. 2237
 Senate Bill No. 2291
 Senate Bill No. 2306
 Senate Bill No. 2428
 Senate Concurrent Resolution No. 4067

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

LEO LEIDHOLM, Secretary

Report of Conference Committees

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2289 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2289 be amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicle license plates for former prisoners of war; and to provide an appropriation.

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

SECTION 1. A new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

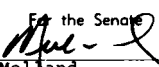
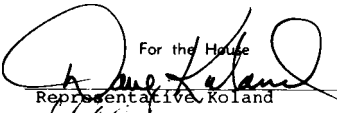
Passenger motor vehicles or pickup trucks not exceeding ten thousand pounds [4535.92 kilograms] gross weight owned and operated by a resident who, while serving in the United States armed forces, was a prisoner of war and has received an honorable discharge from the United States armed forces; provided, however, that the vehicles display a distinctive license plate issued by the registrar of motor vehicles at no charge. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross

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weight subsequently purchased or acquired by such a former prisoner of war, provided that the exemption provided by this subdivision shall be allowed only with respect to one motor vehicle owned by such a former prisoner of war at any one time.

SECTION 2. MOTOR VEHICLE REGISTRAR REIMBURSED - APPROPRIATION. The cost of the former prisoner of war license plates authorized by this Act shall be paid, upon a voucher prepared by the adjutant general, from any unappropriated moneys remaining in the sinking fund for the state of North Dakota general obligation bonds, Vietnam conflict adjusted compensation series, and such moneys as may be necessary, not to exceed five thousand dollars, are hereby appropriated from the sinking fund to the adjutant general for the purposes of this Act. Payment under this section shall be based on claims submitted by the motor vehicle registrar."

And renumber the lines and pages accordingly

For the Senate 	For the House 
_____ Senator Melland	_____ Representative Koland
_____ Senator Streibel	_____ Representative Wald
_____ Senator Stromme	_____ Representative Solberg

Senate Bill No. 2289 was placed on the 7th

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

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

Senator Nething moved that the Senate adjourn, and convene at 9:00 a.m., Tuesday, March 31, 1981, which motion prevailed.

LEO LEIDHOLM, Secretary