

SIXTIETH DAY

Bismarck, March 21, 1981

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

The prayer was offered by Senator Robert Melland.

Heavenly Father. We pray today for the President of the United States. We pray for the staff and protectors of the President who were willing to sacrifice self for duty and devotion. We pray for the world, that they may understand that our nation and system of law must be tempered with reason. We pray the example of protection and right for even the perpetrator of assault against our highest office will be observed around the world. Thank You, Lord, for the resiliency, for the humor, for the physical strength and moral courage of President Reagan. Let Your healing powers work quickly within him and the others who were wounded. We pray also today as your servants and ask that You provide us with extra measure of judgment, of tolerance, of patience, of temperate speech and manner. Soothe the troubled waters of dispute and disagreement and help us find and appreciate the good in one another. Thank You Lord for the friendships and the bonds of brotherhood we develop here, not only with one another, but also with our staff, with people in government and with the examples You place before us of your children, like Lorraine Houle, who need only notice of our Love and repay it many times over. All this we ask in Jesus' name, Amen.

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

A quorum was declared by the President.

MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1051

And subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

MESSAGE FROM THE HOUSE

House Chamber

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

ROY GILBREATH, Chief Clerk
 House Chamber

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

House Bill No. 1003
 House Bill No. 1005
 House Bill No. 1006
 House Bill No. 1007
 House Bill No. 1010
 House Bill No. 1012
 House Bill No. 1014
 House Bill No. 1016
 House Bill No. 1019
 House Bill No. 1022
 House Bill No. 1023
 House Bill No. 1024
 House Bill No. 1029
 House Bill No. 1030
 House Bill No. 1031
 House Bill No. 1105
 House Bill No. 1177
 House Bill No. 1189
 House Bill No. 1190
 House Bill No. 1231
 House Bill No. 1444
 House Bill No. 1466
 House Bill No. 1484
 House Bill No. 1563
 House Bill No. 1648

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:

House Bill No. 1051
 House Bill No. 1072
 House Bill No. 1269
 House Bill No. 1293
 House Bill No. 1591
 House Concurrent Resolution No. 3072

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

ROY GILBREATH, Chief Clerk
 House Chamber

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

Senate Bill No. 2011

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2011

On page 1 of the engrossed bill, line 2, after the word "board" insert the following: ", the human service centers, and the industrial commission"

- On page 1 of the engrossed bill, delete lines 15 and 16
- On page 1 of the engrossed bill, line 17, delete the numerals "20,272,672" and insert in lieu thereof the numerals "19,189,691"
- On page 1 of the engrossed bill, line 18, delete the numerals "9,845,198" and insert in lieu thereof the numerals "9,407,923"
- On page 1 of the engrossed bill, line 19, delete the numerals "3,137,649" and insert in lieu thereof the numerals "2,440,117"
- On page 1 of the engrossed bill, line 20, delete the numerals "217,893" and insert in lieu thereof the numerals "185,000"
- On page 1 of the engrossed bill, line 21, delete the numerals "279,541,278" and insert in lieu thereof the numerals "271,765,747"
- On page 1 of the engrossed bill, line 22, delete the numerals "313,014,690" and insert in lieu thereof the numerals "302,988,478"
- On page 1 of the engrossed bill, line 23, delete the numerals "231,841,372" and insert in lieu thereof the numerals "223,655,945"
- On page 1 of the engrossed bill, line 24, delete the numerals "81,173,318" and insert in lieu thereof the numerals "79,332,533"
- On page 1 of the engrossed bill, delete lines 25 and 26, and insert the following:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and/or other income, to the social service board and the state department of health of the state of North Dakota for the purpose of defraying the expenses of the deinstitutionalization program, for the biennium beginning July 1, 1981, and ending June 30, 1983, as follows:"

- On page 1 of the engrossed bill, line 27, delete the numerals "631,514" and insert in lieu thereof the numerals "477,538"
- On page 1 of the engrossed bill, line 28, delete the numerals "394,113" and insert in lieu thereof the numerals "415,636"
- On page 2 of the engrossed bill, line 2, delete the numerals "22,518" and insert in lieu thereof the numerals "18,388"
- On page 2 of the engrossed bill, line 3, delete the numerals "16,533,234" and insert in lieu thereof the numerals "15,328,787"
- On page 2 of the engrossed bill, line 4, delete the numerals "17,654,277" and insert in lieu thereof the numerals "16,313,247"
- On page 2 of the engrossed bill, line 5, delete the numerals "6,804,999" and insert in lieu thereof the numerals "5,465,784"
- On page 2 of the engrossed bill, line 6, delete the numerals "10,849,278" and insert in lieu thereof the numerals "10,847,463"
- On page 2 of the engrossed bill, delete lines 7 through 14 and insert in lieu thereof the following:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,610,312, or so much thereof as may be necessary, and \$2,913,936 in special funds, or so much thereof as may be necessary, to the human service centers of the state of North Dakota, for the biennium beginning July 1, 1981, and ending June 30, 1983, as follows:

Salaries and wages	\$2,237,957
Operating expenses	568,130
Equipment	<u>13,300</u>
Total all funds	\$2,819,387
Less estimated income	<u>1,359,950</u>
Total general fund appropriation	\$1,459,437

NORTHWEST HUMAN RESOURCE CENTER, WILLISTON

Salaries and wages	\$1,711,754
Operating expenses	391,328
Equipment	<u>14,779</u>
Total all funds	\$2,117,861
Less estimated income	<u>660,639</u>
Total general fund appropriation	\$1,457,222

LAKE REGION HUMAN SERVICE CENTER, DEVILS LAKE

Salaries and wages	\$1,293,456
Operating expenses	284,744
Equipment	<u>8,800</u>
Total all funds	\$1,587,000
Less estimated income	<u>893,347</u>
Total general fund appropriation	\$ 693,653

SECTION 4. HUMAN SERVICE CENTERS. The control over the appropriations in section 3 of this Act shall be transferred to the department of human services upon the effective date of House Bill No. 1418.

SECTION 5. HUMAN SERVICE CENTERS - TRANSFERS. With the approval of the governor the director of the department of human services shall have the authority to make such transfers and allocations between the state office and the human service centers, and between the human service centers as may be necessary to effectively and efficiently implement a comprehensive plan for provision of human services through the regional human service centers."

On page 2 of the engrossed bill, after line 14, insert the following:

"SECTION 6. DEINSTITUTIONALIZATION - ALLOCATION OF APPROPRIATION. In order to effectively and efficiently implement the deinstitutionalization plan, no funds appropriated in section 2 of this Act may be expended by the social service board or the division of mental health and retardation of the department of health, or their successor agency, except within the limitations of such allocations as may be approved by the governor."

On page 2 of the engrossed bill, delete lines 21 through 26

On page 3 of the engrossed bill, delete lines 1 through 12

On page 3 of the engrossed bill, delete lines 18 through 31 and insert the following:

"SECTION 10. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated from special funds derived from federal funds and/or other income to the industrial commission of the state of North Dakota for the purpose of defraying the expenses of the housing assistance program, for the biennium beginning July 1, 1981, and ending June 30, 1983, as follows:

Salaries and wages	\$ 556,257
Operating expenses	98,744

Data processing	28,292
Equipment	500
Grants	<u>7,872,000</u>
Total special fund appropriation	\$8,555,793

SECTION 11. APPROPRIATION. It is hereby appropriated, in addition to any other appropriations, \$200,000, or so much thereof as may be necessary, out of any moneys received as administrative fees by the housing assistance program, to the industrial commission of the state of North Dakota for the biennium beginning July 1, 1981, and ending June 30, 1983, for the purpose of administering the housing finance agency.

SECTION 12. DEPARTMENT OF HUMAN SERVICES - STAFF LEVELS - REDUCTIONS - BUDGET SECTION REVIEW. The director of the department of human services, while establishing the department on the state and regional level, shall reduce the number of positions in the total system by ten employees by June 30, 1983. In addition, the director shall periodically report to the budget section on the progress made in implementing the provisions of House Bill No. 1418 and the reduction in staff levels required by this section.

Grand total general fund appropriation S.B. 2011	\$ 93,790,308
Grand total special funds appropriation S.B. 2011	\$240,791,458
Grand total all funds appropriated S.B. 2011	\$334,581,766"

nd renumber the lines, sections, and pages accordingly

TATEMENT OF PURPOSE OF AMENDMENT:

his amendment reflects the following adjustments to Section 1 of ngrossed Senate Bill No. 2011:

	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Data Processing</u>	<u>Equipment</u>	<u>Grants</u>	<u>Total</u>	<u>General Fund</u>	<u>Estimated Income</u>
of noncontributory retirement	\$ (653,997)					\$ (653,997)	\$ (412,914)	\$ (241,083)
of funds for Housing Assistance (appropriated to Industrial on in Section 10)	(556,257)	\$ (98,744)	\$ (28,292)	\$ (500)	\$ (7,872,000)	(8,555,793)	0	(8,555,793)
1 funding for vocational ation grants						0	(1,012,798)	1,012,798
1 in travel for the Social Service a result of House Bill No. 1418		(49,293)				(49,293)	(23,661)	(25,632)
1 in a net for new office building ilt or the state's purchase of ing		(250,234)				(250,234)	(250,234)	
1 in grants to provide that only t of the matching funds for the istance program be general funds					(468,800)	(468,800)	(468,800)	
1t to reflect a transfer of items arly reflected in Section 2 of 1	(125,227)	(34,544)			368,927	209,156	100,395	108,761
of 3 FTE to provide a Director Services, a Director of Economic e, and a State Hospital Director	252,500	7,500				260,000	260,000	
<u>Description</u>	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Data Processing</u>	<u>Equipment</u>	<u>Grants</u>	<u>Total</u>	<u>General Fund</u>	<u>Estimate Income</u>
9. Additional funds to provide for monthly Publication of "Case and Counsel"			\$ 18,800			\$ 18,800	\$ 18,800	
10. Reduction in equipment				\$ (32,393)		(32,393)	(12,244)	\$ (2)
11. Reduction to delete funding for merchant- ation of the data collection system for the economic assistance program			(30,760)	\$ (669,240)		(700,000)	(140,000)	(56)
12. Increase in the level of foster care payments to allow annual increases of 20 percent per year compared to 15 percent per year as allowed in the executive budget					\$ 196,342	196,342	100,671	9
Total	<u>\$ (1,082,982)</u>	<u>\$ (637,275)</u>	<u>\$ (697,532)</u>	<u>\$ (32,893)</u>	<u>\$ (7,775,531)</u>	<u>\$ (10,026,212)</u>	<u>\$ (1,840,785)</u>	<u>\$ (8, 18</u>

This amendment allows \$185,000 for equipment and intends that existing equipment be used as much as possible in the relocation of Social Service Board in the new office building and that the Social

Service Board make use of available conference rooms in the Capitol in lieu of furnishing new rooms in the new office building.

The grants line item includes amounts to provide an incentive for counties to join in collocation. It is the intent of the Legislative Assembly that \$10,000 of such amount be made available to the Mortco County Social Service Board to assist it should it collocate with Bismarck-Mandan in their collocation arrangements.

Within the Social Service Board appropriation the following amounts are allocated to the area social service centers:

	<u>Bismarck</u>	<u>Devils Lake</u>	<u>Fargo</u>	<u>Grand Forks</u>	<u>Jamestown</u>	<u>Minot</u>
Salaries and wages	\$434,796		\$346,661	\$658,858	\$425,771	\$ 690,
Operating expenses	220,114	\$5,078	183,274	175,804	170,542	491,
Equipment			875	2,847	100	4,
Total all funds	\$654,910	\$5,078	\$530,810	\$837,509	\$596,413	\$1,186,
Less estimated income	<u>432,241</u>	<u>3,351</u>	<u>350,334</u>	<u>575,124</u>	<u>393,632</u>	<u>877,</u>
Total general fund appropriation	\$222,669	\$1,727	\$180,476	\$262,385	\$202,781	\$ 308,

Adjustments to the deinstitutionalization appropriation in Section of engrossed Senate Bill No. 2011 are as follows:

1. A vacant position included to maintain work activity in the amount of \$61,432 in general funds is deleted.
2. Two new positions, a human service program administrator (\$48,244) and a secretary II (\$26,031) which were included as two developmental disability council position are deleted along with \$2,223 in equipment moneys for the two positions. These moneys are all federal funds. Also, a human service program administrator, a secretary and a training coordinator were deleted totalling \$110,277 \$82,707 of special funds and \$27,569 of general funds.
3. Funds for a new position, a clerk for the ICF/MR licensur process, is deleted from the deinstitutionalization budget in Senate Bill No. 2011 but is transferred to the Health Department budget in Senate Bill No. 2010. The funds deleted are \$23,924 in salaries of which \$5,981 is general funds and \$17,943 is federal funds, \$46,041 in operating expenses of which \$34,531 is federal funds and \$11,510 is general funds, and \$1,478 in equipment of which \$1,108 is federal funds and \$370 is general fund.
4. Funds included for child development service are reduced by \$472,500 in grants, \$10,000 in operating expenses, and \$429 in equipment. These moneys are all general funds. There remains \$672,000 in the grants line item for child development services during the next biennium which represents one-half the original budget request in the grants line for child development services.
5. General funds of \$320,000 are deleted from the grants line item which were included to purchase services from eight case managers for developmentally disabled persons.
6. There is a transfer of \$43,020 from the grants line to the operating expenses line which represents a reimbursement for indirect costs which are more appropriately included in the operating expenses line item.
7. The salaries and wages line item is reduced by \$9,296, \$4,427 from the general fund and \$4,869 from special funds to delete funds for a noncontributory retirement plan.
8. This amendment substitutes \$1,012,798 of general fund mone for federal funds for vocational rehabilitation grants and for the grants appropriated to the Vocational Rehabilitation Division of the Social Service Board in Section 1; \$1,012,798 of federal funds are substituted for general

fund moneys.

9. The salaries and wages line item is increased by \$125,227, \$60,109 from the general fund and \$65,118 from special funds, the operating expenses line item is increased by \$34,544, \$16,581 from the general fund and \$17,963 from special funds, and the grants line item is decreased by \$368,927, \$177,085 from the general fund and \$191,842 from special funds, to reflect a transfer from Section 1 of this bill.

The following schedule is the adjusted deinstitutionalization programs:

<u>Program</u>	<u>Total Funds</u>	<u>General Fund</u>	<u>Special Funds</u>
<u>Social Service Board</u>			
Vocational rehabilitation	\$ 4,907,580	\$ 4,907,580	
Adult group homes	159,771	76,690	\$ 83,081
Community facilities - 200 beds	5,961,900	2,205,903	3,755,997
Hospital, physician, drugs, 4 case managers at the local level	493,852	182,725	311,127
Staff to modify MMIS (4 FTE)	206,994	78,421	128,573
<u>Health Department</u>			
Maintain work activity, etc.	\$ 2,387,241	\$ 2,067,676	\$ 319,565
Provide services and support to families to keep individuals at home	285,000	285,000	
Infant screening, evalua- tion and training	672,000	672,000	
Health Department personnel	471,479	74,286	397,193
Data processing	55,000	49,500	5,500
Indirect costs	43,020		43,020
Transitional living for mentally ill (13 existing and 24 new during the second year)	669,410	247,682	421,728
Grand Total	<u>\$16,313,247</u>	<u>\$10,847,463</u>	<u>\$5,465,784</u>

The amounts included for each program, by line item appropriation, are as follows:

<u>Line Item</u>	<u>Vocational Rehabilitation</u>	<u>Social Service Board</u>	<u>Health Department</u>	<u>Total</u>
Salaries and wages		\$ 279,351	\$ 198,187	\$ 477,538
Operating expenses		64,279	351,357	415,636
Data processing		17,898	55,000	72,898
Equipment		5,127	13,261	18,388
Grants	<u>\$4,907,580</u>	<u>6,455,862</u>	<u>3,965,345</u>	<u>15,328,787</u>
Total	<u>\$4,907,580</u>	<u>\$6,822,517</u>	<u>\$4,583,150</u>	<u>\$16,313,247</u>

The new Section 3 appropriates \$6,524,248, \$3,610,312 from the general fund and \$2,913,936 in special funds to the human service centers, by line item for each center. This replaces the purchase of service agreements allowed in the Senate version.

The new Section 10 appropriates moneys for the administration of the housing assistance program to the Industrial Commission that was deleted from the Social Service Board's appropriation.

The new Section 11 appropriates \$200,000 of surplus administrative fees to the Industrial Commission for related administrative costs.

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2038

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2011 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. 2011:

Senator Melland, Chairman

Senator Lips

Senator Walsh

Senator Melland moved that Senate Bill No. 2289 be re-referred to the Conference Committee, which motion prevailed.

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2005 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that Senate Bill No. 2005, as reengrossed by the House, be further amended as follows:

- On page 3 of the reengrossed bill, line 2, delete the numerals "149,715" and insert in lieu thereof the numerals "164,715"
- On page 3 of the reengrossed bill, line 3, delete the numerals "6,887,647" and insert in lieu thereof the numerals "6,902,647"
- On page 3 of the reengrossed bill, line 5, delete the numerals "5,960,979" and insert in lieu thereof the numerals "5,975,979"
- On page 3 of the reengrossed bill, line 7, delete the numerals "6,052,979" and insert in lieu thereof the numerals "6,067,979"
- On page 4 of the reengrossed bill, line 22, delete the numerals "195,815,302" and insert in lieu thereof the numerals "195,830,302"
- On page 4 of the reengrossed bill, line 24, delete the numerals "266,267,103" and insert in lieu thereof the numerals "266,282,103"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Mayville State College

The equipment line item for Mayville State College is increased by \$15,000 from the general fund.

Tuition Increases

The amount of tuition increases at the universities and colleges necessary to meet the estimated income amounts for the 1981-83 biennium are to be made at the discretion of the State Board of Higher Education.

For the Senate
 Senator Hanson
 Senator Lips
 Senator Walsh

For the House
 Representative Wagner
 Representative Unhahn
 Representative Opedahl

Senator Hanson moved that the report be adopted, which motion

prevailed.

**CONSIDERATION OF CONFERENCE
 COMMITTEE REPORTS**

Senator Hanson moved that the rules be suspended, that Senate Bill No. 2005 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. 2005. — A Bill for an Act making an appropriation for defraying the expenses of the various institutions under the supervision of the board of higher education of the state of North Dakota; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 48, nays 1, absent and not voting 1.

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

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

Senator Nothing moved that the vote by which Senate Bill No. 2005 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

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

consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2046 be amended as follows:

On page 1 of the engrossed bill, line 19, after the first semicolon insert the word "and", delete the semicolon and word "; and" and insert a period

On page 1 of the engrossed bill, delete line 20

On page 9 of the engrossed bill, line 2, delete the word "two" and insert in lieu thereof the word "three"

On page 12 of the engrossed bill, delete lines 6 through 34 and insert in lieu thereof the following:

"63-01.1-06. FUNDING OF PROGRAMS.

1. The board of county commissioners may pay expenses from the general fund expenses in any one year in furtherance of this weed-control chapter, including weed control along county public highways in the county. The board of county commissioners of any county, when it deems it necessary or when petitioned by at least five percent of the voters voting in the last general election, may submit the question of whether to levy county weed board may certify annually to the board of county commissioners a tax, not to exceed two mills on the net assessed valuation of all taxable property therein, to the electorate of the county in the county, to carry out the provisions of this chapter. However, the tax shall not be levied on property within the corporate limits of a city which establishes a program under section 63-01.1-10.1. The tax shall be levied by the board of county commissioners. All taxes levied and collected shall be remitted to the county weed board for a separate fund to be known as the weed control fund, which shall be used only to carry out the provisions of this chapter. The levy may shall be made to cover the salary and expenses of the county weed board, county weed control officer, the expense of weed control along county public highways in the county, and other expenses incurred in the operation of an effective weed control program in the county. Upon approval of sixty percent of the voters of the county voting on the question, the The tax may be levied in excess of the mill levy limit prescribed by law for general purposes."

On page 13 of the engrossed bill, delete lines 8 through 35 and insert in lieu thereof the following:

- ~~"3.--The governing body of any city may pay any expenses incurred by it in carrying out the provisions of this chapter from such city's general fund revenues. The commissioner shall allocate the funds of any legislative appropriation to the county weed boards and cities which establish a program under section 63-01.1-10.1 pursuant to a formula adopted by the commissioner, after consultation with the director of the extension division and the director of the agricultural experiment station, Fargo, or their respective designees. No county weed board or city shall receive an amount in excess of one-third of its actual expenditures for noxious weed control from any legislative appropriation, unless the appropriation provides assistance in noxious weed control to a board or city under subsection 3 of this section.~~
3. If a county weed board determines a weed is seriously endangering areas of a county or the state, assistance in control may be provided by legislative appropriation for this purpose, the commissioner shall allocate the appropriation accordingly, and the commissioner and each affected county weed board and city which establishes a program under section 63-01.1-10.1 shall be responsible for ensuring that the funds are properly expended.

4. The request for allocated funds pursuant to subsections 2 and 3 of this section shall be initiated by the county weed board or city which establishes a program under section 63-01.1-10.1 by submitting a voucher and documentation. Upon approval of the voucher by the commissioner, payment shall be made by the office of management and budget out of funds appropriated for control of weeds."

On page 14 of the engrossed bill, delete lines 1 and 2

On page 16 of the engrossed bill, delete lines 15 through 35 and insert in lieu thereof the following:

- "1. The governing body of any city, when acting with a population of three thousand or more, may act as a control authority, shall eradicate or control noxious weeds when found within or adjacent to such city, and may establish and administer a program for the control of weeds within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a program for the city.
2. The governing body of any city with a population of three thousand or more may levy a tax, not to exceed two mills on the net assessed valuation of property within the corporate limits of the city, to establish and administer the program.
3. Moneys received by the cities from the levy may be used in any phase of weed control as determined by the governing body of the city. The control program shall include work on weeds included on any county or state noxious weed list.
4. The governing body of a city which establishes a control program may petition the commissioner of agriculture for special assistance in funding authorized by section 63-01.1-06."

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

On page 18 of the engrossed bill, line 26, after the comma insert the following: "city,"

On page 19 of the engrossed bill, delete lines 1 through 35 and insert in lieu thereof the following:

- "2. Except as provided in subsections 1 and 3 of this section, county weed boards and cities which establish a program under section 63-01.1-10.1, shall contribute the total cost of the leafy spurge treatment program on private lands and lands within the board or city's jurisdiction with funds available under section 17 of this Act.
3. The state shall contribute the total cost of the leafy spurge treatment program on state lands plus the amount under subsection 2 of this section which cannot be funded by a county weed board or city under section 17 of this Act, subject to the limitation on expenditures from legislative appropriations set forth in subsection 2 of section 63-01.1-06.
4. Any legislative appropriation for the leafy spurge control program of sections 15 through

17 of this Act shall be expended only for reimbursement of the cost of leafy spurge control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities.

SECTION 17. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

LEAFY SPURGE MILL LEVY. The board of county commissioners in each county and the governing body of a city which establishes a program under section 63-01.1-10.1 may levy a tax, not to exceed one mill on the net assessed valuation of all taxable property within its jurisdiction, to fund the contributions to the leafy spurge control program. However, the board of commissioners may not levy the tax on property within the corporate limits of a city which establishes a program under section 63-01.1-10.1. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes. At the request of the county weed board or on the initiative of the board of county commissioners, or on the initiative of the governing body of a city which establishes a program under section 63-01.1-10.1, the tax levy authorized by this section shall not be made when no longer needed for the purposes of the leafy spurge control program. Funds necessary to carry out the provisions of the leafy spurge control program in excess of the revenue derived from the one."

On page 21 of the engrossed bill, delete lines 21 through 35 and insert in lieu thereof the following:

- "2. Except as provided in subsections 1 and 3 of this section, county weed boards and cities which establish a program under section 63-01.1-10.1 shall contribute the total cost of the cannabis treatment program on private lands and lands within the board or city's jurisdiction.
3. The state shall contribute the total cost of the cannabis treatment program on state lands plus the amount under subsection 2 of this section which cannot be funded by the county weed board or city. The commissioner shall allocate the funds of any legislative appropriation for cannabis control to the county weed boards and cities pursuant to a formula adopted by the commissioner, after consultation with the director of the extension division and the director of the agricultural experiment station, Fargo, or their respective designees. No county weed board or city shall receive an amount in excess of one-third of its actual expenditures for cannabis control from any legislative appropriation, unless the appropriation provides specific assistance in cannabis control to seriously endangered areas of a county or the state.
4. Any legislative appropriation for the cannabis control program of sections 19 and 20 of this Act shall be expended only for reimbursement of the costs of cannabis control according to this section to private landowners, including lessees, tenants, renters, or operators of private land, county weed boards, or cities.

On page 22 of the engrossed bill, delete lines 1 through 12

On page 23 of the engrossed bill, delete lines 30 through 35

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.

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. 2025

Senate Bill No. 2204

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker:

I have the honor to return Senate Concurrent Resolution No. 4041, which the House has requested.

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1371

Very respectfully

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

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

LEO LEIDHOLM, Secretary

MESSAGES TO THE HOUSE

Senate Chamber

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

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

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

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2011

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

Senate Bill No. 2011

Senators:

Senator Melland

Senator Lips

Senator Walsh

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 Concurrent Resolution No. 3069

Senators:

Senator Wenstrom

Senator Melland
 Senator Nelson
 Very Respectfully,

LEO LEIDHOLM, Secretary
 Senate Chamber

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

House Bill No. 1027
 House Bill No. 1033
 House Bill No. 1050
 House Bill No. 1060
 House Bill No. 1061
 House Bill No. 1204
 House Bill No. 1218
 House Bill No. 1277
 House Bill No. 1509

Very respectfully,

LEO LEIDHOLM, Secretary
 Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur in the House amendments to Senate Bill No. 2060 and now does concur with the House amendments to Senate Bill No. 2060, has passed the same and subsequently discharged the conference committee on Senate Bill No. 2060.

Very respectfully,

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

House Bill No. 1051
 House Bill No. 1072
 House Bill No. 1269
 House Bill No. 1293
 House Bill No. 1591
 House Concurrent Resolution No. 3072

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1051
 House Bill No. 1072
 House Bill No. 1269
 House Bill No. 1293
 House Bill No. 1591
 House Concurrent Resolution No. 3072
 Which the President has signed.

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

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

were delivered to the } Governor for his approval
 on March 31, 1981.

Stella H. Fritzell
 Stella Fritzell Chairman
"GET BACK TO THE FORDS"

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4067

was delivered to the } Secretary of State for his filing
 on March 31, 1981.
 (date)

Stella H. Fritzell
 Stella Fritzell Chairman
"GET BACK TO THE FORDS"

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2019 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2019 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "427,112" and insert in lieu thereof the numerals "425,663"

On page 1 of the engrossed bill, line 17, delete the numerals "491,649" and insert in lieu thereof the numerals "490,200"

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

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment decreases the salaries and wages line item of the Securities Commissioner by \$1,449. This net decrease resulted from an increase of \$20,649 to upgrade three positions, a delation of \$10,481 to reduce the secretary allowed in the Governor's

of property for determining the maximum limit of indebtedness;"

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

On page 1 of the engrossed bill, line 5, delete the following: "school construction fund;"

On page 1 of the engrossed bill, delete lines 9 through 27 and insert in lieu thereof the following:

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

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

On page 2 of the engrossed bill, delete lines 1 through 8

On page 2 of the engrossed bill, line 10, delete the word "general" and insert in lieu thereof the words "lands and minerals trust"

On page 2 of the engrossed bill, line 11, delete the numerals "5,000,000" and insert in lieu thereof the numerals "3,000,000"

And renumber the lines, sections, and pages accordingly

For the Senate
Sen. Thane
Sen. Naaden
Sen. Walsh
Senator Thane

For the House
Rep. Kingsbury
Rep. Haugauer
Rep. Opdahl

moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS
Senator Thane moved that the rules be suspended, that Senate Bill

No. 2092 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 BILL

Senate Bill No. 2092. — A Bill for an Act to amend and reenact subsection 2 of section 15-60-03 of the North Dakota Century Code, relating to the value of property for determining the maximum limit of indebtedness; and to provide an appropriation for the state school construction fund.

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			● GROTBORG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● 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 Senate Bill No. 2092 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 return herewith the following, which the House has amended:

Senate Concurrent Resolution No. 4041

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4041

On page 1, line 3, delete the following: ", previously designated as section 2 of article 54"

On page 1, delete line 4

On page 1, line 5, delete the words "the renumbered Constitution"

On page 1, after line 7, insert the following:

"STATEMENT OF INTENT

The purpose of this amendment is to substitute the speaker of the house of representatives for the president of the North Dakota educational association, as a member of the nominating group, which also includes the chief justice of the supreme court and the superintendent of public instruction, and which provides lists of names to the governor from which the governor is to nominate members to the state board of higher education."

On page 1, line 12, delete the following: ", previously designated as section 2 of article 54"

On page 1, delete line 13

- On page 1, line 14, delete the following: "the renumbered Constitution,"
- On page 1, line 16, delete the word "primary" and insert in lieu thereof the word "general"
- On page 1, line 18, delete the following: ", previously" and insert in lieu thereof a period
- On page 1, delete lines 19 and 20
- On page 1, line 22, delete the comma
- On page 1, delete lines 23 and 24
- On page 1, line 25, delete the following: "renumbered Constitution,"
- And renumber the lines and pages accordingly

House Chamber

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

Senate Concurrent Resolution No. 4033

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that the Senate request from the House, the return of House Concurrent Resolution No. 3005, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

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

I have sent the following letter to the North Dakota Education Association, the School Administrators Association, the North Dakota School Boards Association and the North Dakota Parents and Teachers Association. The text of the letter is as follows:

"During the past decade, the North Dakota Legislature has wrestled with legislation designed to refine the teacher-school board negotiations process.

We have come no closer to solution of the problems that appear to exist in our negotiations law first enacted in 1961. The 1981 Legislative Session once again considered proposals dealing with management rights for school boards, binding arbitration for teachers and general adjustments to present law that would bring more equity to both sides in the negotiations process. We were unable to pass any changes that met with satisfaction from the various education organizations.

I am of the strong belief that another approach must be made since efforts of the past 10 years have failed. It is senseless to me that education organizations and we as a legislature should continue in vain to bang our heads against the negotiations wall.

It is with this thought in mind that I ask your organizations to meet together during the 1981-83 interim to seek solution of your differences. I ask the PTA's for their input. The teacher-school board negotiations process is obviously here to stay. All concerned, and that includes the public we represent, have indicated a desire to add finality to the negotiating process. I think that finality should provide equity to both sides. It is apparent to date that education groups are divided on that question of equity.

Directly, I ask you to attempt resolution of these differences during the interim and return to the 1983 session with legislation that each of you can support. Specifically, the areas in question appear to be management rights for school boards, length of the negotiation period,

the scope of negotiations and a just process by which negotiations impasses can be resolved.

I hope you can join with me in the belief that such an organized effort on your behalf will only serve to bring a better educational process to all of the children of North Dakota."

You are well aware that there was one effort this session to try to bring together the various sides in a comprehensive bill introduced by the Senator from the 32nd District. That bill met an untimely death but the sponsor must be congratulated for her courage in introducing such a controversial measure.

I am also pleased to report to the Senate that one of the organizations has already replied to my letter, and I quote:

"It is my personal belief that the 1981-83 interim is an appropriate time for the major education organizations involved to enter into discussions along the lines suggested in your letter. Whether we like it or not, there are personal and organizational relationships that determine the climate in which such discussions take place, and it is my opinion that chances of reaching equitable agreement are better now than they have been in the past."

"On the semi-optimistic note, we assure you that we at NDEA headquarters will cooperate fully in any effort to refine and improve the negotiations process. We are pleased that you have arranged for a new start at solving an old problem."

I would hope that this organizations will view this as a challenge and will come before us in 1983 with a bill which can be supported by everyone.

FIRST READING OF HOUSE BILLS

House Bill No. 1659. — A Bill for an Act making an appropriation to provide for the preparation, printing, and distribution of the North Dakota Blue Book and stating legislative intent.

Was read the first time.

Senator Nething moved that the rules be suspended, that House Bill No. 1659 not be referred to a committee, but be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1659. — A Bill for an Act making an appropriation to provide for the preparation, printing, and distribution of the North Dakota Blue Book and stating legislative intent.

Which has been read.

MOTION

Senator Nething moved that House Bill No. 1659 be amended as follows:

On page 3 of the bill, line 1, after the word "school" insert "and junior high school".

And renumber the lines accordingly.

Senator Nething moved that the amendment be adopted, which motion prevailed.

Senator Nething moved that the rules be suspended, that House Bill No. 1659 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1659. — A Bill for an Act making an appropriation to provide for the preparation, printing, and distribution of the North Dakota Blue Book and stating legislative intent.

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									1981 LEGISLATURE		
REGULAR SESSION			ROLL-CALL								
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ			● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #20			● LEIBHAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORJIM			MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

So the bill passed and the title was agreed to.

Report of Conference Committees

Mr. PRESIDENT : Your Conference Committee to whom was referred Senate Bill No. 2201 has had the same under consideration and recommends:

that the Senate accede to the House amendments

For the Senate	For the House
Senator Albers <i>Albers</i>	Rep. Olafson <i>Kenneth Olafson</i>
Senator Solberg <i>Solberg</i>	Rep. Kent <i>David Kent</i>
Senate Bakewell <i>Ben Bakewell</i>	Rep. L. Hanson <i>L. Hanson</i>
Senate Albers	

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Albers moved that the rules be suspended, that Senate Bill No. 2201 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. 2201. — A Bill for an Act to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to exemption of executive directors and medical directors of mental health and retardation service units and human service centers from the state central personnel system; and to amend and reenact sections 25-10-05, 54-40-09, 54-42-06, and 54-44.3-19, relating to mental health and retardation service units, human service centers, agencies subject to the merit system, and state personnel board authority to provide service to cities and 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 3, nays 47, absent and not voting 0.

REGULAR SESSION			NORTH DAKOTA SENATE						1981 LEGISLATURE		
ROLL-CALL											
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ADAMS	•		GROTBORG	•		NELSON	•		STREIBEL	•	
ALBERS	•		HANSON	•		NETHING	•		STROMME	•	
BAKEWELL	•		HOLMBERG	•		OLIN	•		TALLACKSON	•	
BARTH	•		ISZLER	•		PARKER	•		TENNEFOS	•	
BERUBE	•		LASHKOWITZ	•		PETERSON	•		THANE	•	
CHRISTENSEN, H. #5	•		LEE	•		QUAIL	•		TIERNEY	•	
CHRISTENSEN, R. #24	•		LEIBMAN	•		REDLIN	•		TWETEN	•	
CUSSENS	•		LIPS	•		REITEN	•		VOSPER	•	
DOTZENROD	•		LOOSEN	•		ROEH	•		WALSH	•	
DYKSHOORN	•		MELLAND	•		SHAWLOW	•		WENSTROM	•	
ERICKSON	•		MOORE	•		SOLBERG	•		WRIGHT	•	
FRITZELL	•		MUTCH	•		SORUM	•		MR. PRESIDENT	•	
GOODMAN	•		NAADEN	•		STENEHJEM	•				

Senate Bill No. 2201 was declared lost.

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

- House Bill No. 1003
- House Bill No. 1005
- House Bill No. 1006
- House Bill No. 1007
- House Bill No. 1010
- House Bill No. 1012
- House Bill No. 1014
- House Bill No. 1016
- House Bill No. 1019
- House Bill No. 1022
- House Bill No. 1023
- House Bill No. 1024
- House Bill No. 1029
- House Bill No. 1030
- House Bill No. 1031
- House Bill No. 1105
- House Bill No. 1177
- House Bill No. 1189
- House Bill No. 1190
- House Bill No. 1231
- House Bill No. 1444
- House Bill No. 1466
- House Bill No. 1484
- House Bill No. 1563
- House Bill No. 1648

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

- House Bill No. 1003
- House Bill No. 1005
- House Bill No. 1006
- House Bill No. 1007
- House Bill No. 1010
- House Bill No. 1012
- House Bill No. 1014
- House Bill No. 1016
- House Bill No. 1019
- House Bill No. 1022
- House Bill No. 1023
- House Bill No. 1024
- House Bill No. 1029

establish what we named as "American Unity Day" on June 28, 1981. We would like to gather as many proud, patriotic, positive people to be with us at the Nation's Capitol in Washington, D.C. for a peaceful, patriotic rally. Our goal is to have all fifty state flags flying together in Washington, with the American flags as far as the eye can see and maybe with a positive feeling, and the dedication that you people have for this state and this country, maybe we can cover up some of the negativeness that is going on in this country.

We have been through 31 states and state capitols to date. We have walked over 1400 miles through 31 states and traveled over 36,000 miles. We have met with mayors, senators, congressmen and eleven governors, including your Governor Olson today. We present each governor with our "Proclamation for American Unity Day" (June 28, 1981), hoping he will present to his people of his state, our hope for June 28th and "American Unity Day." We would like to send a message, a positive message to Iran and countries like Iran - to the big red country, to ourselves, and especially our young people ... that Americans are still a proud, patriotic, united people - "one nation under God."

We sold our home and everything we owned to support ourselves on this journey. We just wanted to stop and tell you we are proud of you, we love our country. Let's return to the basics; faith, hope, fellowship, brotherhood, dreams, prayer.

Senator Nothing moved that the Senate stand in recess until 1:00 p.m., which motion prevailed.

The Senate reconvened, with President Sands presiding.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

ALLENI. OLSON

GOVERNOR

March 31, 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 31, 1981, I signed the following Senate Bills:

Senate Bill: 2035

Senate Bill: 2130

Senate Bill: 2196

Senate Bill: 2207

Senate Bill: 2262

Senate Bill: 2313

Senate Bill: 2314

Senate Bill: 2355

Senate Bill: 2399

Senate Bill: 2021

Senate Bill: 2061

Senate Bill: 2068

Senate Bill: 2118

Senate Bill: 2135

Senate Bill: 2142

Senate Bill: 2149

Senate Bill: 2184

Senate Bill: 2187

Senate Bill: 2202

Senate Bill: 2230

Senate Bill: 2247
 Senate Bill: 2274
 Senate Bill: 2301
 Senate Bill: 2308
 Senate Bill: 2322
 Senate Bill: 2356
 Senate Bill: 2377
 Senate Bill: 2419
 Senate Bill: 2424

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. 2007
 Senate Bill No. 2009
 Senate Bill No. 2012
 Senate Bill No. 2018
 Senate Bill No. 2153
 Senate Bill No. 2253
 Senate Bill No. 2372

and find the same correctly

{ Enrolled



Stella H. Fritzell
 Chairman

Senator Moore

moved that the report be adopted, 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 Concurrent Resolution No. 3005.

Very respectfully,

LEO LEIDHOLM, Secretary

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. 1659

LEO LEIDHOLM, Secretary
 Senate Chamber

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

Senate Concurrent Resolution No. 4041

Very respectfully,

LEO LEIDHOLM, Secretary
 Senate Chamber

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

Senate Bill No. 2005
 Senate Bill No. 2019
 Senate Bill No. 2046

Senate Bill No. 2092
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. 2201
Very respectfully,

LEO LEIDHOLM, Secretary

Correction and Revision of The Journal

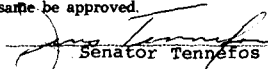
Mr. President Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-ninth day and recommends that the same be corrected as follows:

On page 1890, line 14, insert "Senator Roen:"

On page 1919, line 15, delete "Strinden" and insert in lieu thereof "Holmberg"


On page 1921, line 28, delete "2304" and insert "2364"

And when so corrected recommends that the same be approved.

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

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Delayed Bills has reviewed a concurrent resolution authorizing all state agencies and institutions receiving appropriations under House Bill No. 1341 of the Forty-seventh Legislative Assembly to begin plans for facility construction, and has approved its introduction by a unanimous vote.


Senator Cussons, Chairman

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Nething introduced:

Senate Concurrent Resolution No. 4090. — A concurrent resolution authorizing all state agencies and institutions receiving appropriations under House Bill No. 1341 of the Forty-seventh Legislative Assembly to begin plans for facility construction.

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution No. 4090 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which notion prevailed.

TUESDAY, MARCH 31, 1981

1961

Senate Concurrent Resolution No. 4090

Introduced by

Senator Nething

(Approved by the Committee on Delayed Bills)

A concurrent resolution authorizing all state agencies and institutions receiving appropriations under House Bill No. 1341 of the Forty-seventh Legislative Assembly to begin plans for facility construction.

WHEREAS, to avoid additional cost because of inflation, all buildings authorized under House Bill No. 1341 of the Forty-seventh Legislative Assembly should be under construction as soon after the effective date of the Act as possible; and

WHEREAS, state agencies and institutions may have moneys within their current appropriation to pay for the costs of necessary planning and design services; and

WHEREAS, it is expected that sufficient moneys will be available in July 1981 to construct many of the facilities provided for in House Bill No. 1341;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That each state agency and institution for which funds were appropriated for facilities in House Bill No. 1341 be authorized to begin the planning and design of such facilities immediately upon the passage of this resolution; and

BE IT FURTHER RESOLVED, that state agencies and institutions may use moneys available within current appropriations, or appropriations from the 1981-83 biennium when such moneys become available, to pay for the costs of such services; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to each agency or

institution which has a facility prioritized under House Bill No. 1341.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4090. — A concurrent resolution authorizing all state agencies and institutions receiving appropriations under House Bill No. 1341 of the Forty-seventh Legislative Assembly to begin plans for facility construction.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4090 was adopted on a voice vote.

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Delayed Bills

has reviewed a concurrent resolution expressing the concern of the Forty-seventh Legislative Assembly about the recent presidential assassination attempt, and wishing President Reagan a speedy and complete recovery, and has approved its introduction by a unanimous vote.


 Senator Cussons, Chairman

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

FIRST READING OF CONCURRENT RESOLUTIONS

Senator Nething introduced:

Senate Concurrent Resolution No. 4091. — A concurrent resolution expressing the concern of the Forty-seventh Legislative Assembly about the recent presidential assassination attempt, and wishing President Reagan a speedy and complete recovery.

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution No. 4091 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Concurrent Resolution No. 4091
 Introduced by

Senator Nething

(Approved by the Committee on Delayed Bills)

A concurrent resolution expressing the concern of the Forty-seventh Legislative Assembly about the recent presidential assassination attempt, and wishing President

Reagan a speedy and complete recovery.

WHEREAS, the Forty-seventh Legislative Assembly was shocked, along with the rest of the citizens of this country, to learn of the assassination attempt on the President of the United States; and

WHEREAS, the Forty-seventh Legislative Assembly deplors this example of uncivilized violence and irrational action; and

WHEREAS, the Forty-seventh Legislative Assembly is pleased and grateful to the Almighty that the President survived the attack; and

WHEREAS, the Forty-seventh Legislative Assembly is concerned about those other persons injured in the shooting;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Forty-seventh Legislative Assembly expresses its dismay that irrational violence has once again struck the Chief Executive of the United States; expresses its gratitude to the Almighty for the fact that the President's life was not taken; and wishes President Reagan a speedy and complete recovery from his wound; and wishes a speedy recovery to the other wounded and expresses its concern for all the affected families; and

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be forwarded by the Secretary of State to the President of the United States.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4091. — A concurrent resolution expressing the concern of the Forty-seventh Legislative Assembly about the recent presidential assassination attempt, and wishing President Reagan a speedy and complete recovery.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4091 was adopted on a voice vote.

MESSAGES FROM THE HOUSE
House Chamber

Mr. President: I have the honor to return House Concurrent Resolution No. 3005, which the Senate has requested.
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. 2011

Reps.:

Rep. Unhjem

Rep. Koland

Rep. Meiers

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. President _____: Your Conference Committee to whom was referred _____ Senate _____ Bill No. 2432 _____ has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2432, as reengrossed by the Senate, be further amended as follows:

On page 1, line 1 of the reengrossed bill, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide a seller-sponsored loan guarantee program by the industrial commission for loans to beginning farmers; and to provide an appropriation.

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

SECTION 1. INDUSTRIAL COMMISSION LOAN GUARANTEES FOR SELLER-SPONSORED LOANS BETWEEN LANDOWNERS AND BEGINNING FARMERS. The industrial commission shall act as a guarantor for seller-sponsored loans between landowners and beginning farmers, as defined by subsection 2 of section 57-38-67. In the event of a default, the state of North Dakota shall pay the lender ninety percent of the sums due and payable under the security interest. The commission may adopt necessary rules under chapter 28-32 to determine whether a lender qualifies for a loan guarantee. However, the purchaser must qualify as a beginning farmer as defined by subsection 2 of section 57-38-67. A seller-sponsored loan which is a contract for deed must extend for not less than fifteen years and have an annual interest rate equal to or less than the minimum rate allowed by the internal revenue service before interest is imputed. The maximum dollar amount of any guarantee may not exceed two hundred thousand dollars on a loan secured by real property and one hundred twenty-five thousand dollars on a loan secured by personal property. The loan guarantee shall be void only if the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or subsequent holder had actual knowledge.

SECTION 2. PROCEDURE ON DEFAULT ON GUARANTEED BEGINNING FARMER SECURITY LOAN. The industrial commission shall adopt rules pursuant to chapter 28-32 defining a default.

1. Within ninety days of a default on a guaranteed beginning farmer security loan, the lender shall send notice to the beginning farmer stating that the commission must be notified if the default continues for another ninety days, and the consequences of that default. The lender and the beginning farmer may agree to take any steps reasonable to assure the fulfillment of the loan obligation. After one hundred eighty days from the initial default, if the beginning farmer has not made arrangements to meet his obligation, the lender shall file a claim with the commission, identifying the loan and the nature of the default, and assigning to the state all of the lender's security and interest in the loan in exchange for payment according to the terms of the loan guarantee. If the commission determines that the terms of the loan guarantee have been met, the commission shall authorize payment of state funds to the lender, and shall notify the defaulting party. The state of North Dakota shall then become the holder of the mortgage or other security interest, and taxes shall be levied and paid on the land as though the owner were a natural person and not the state. The commission may, on behalf of the state, commence foreclosure proceedings in the manner provided by law.
2. Property acquired by the commission, upon default of the beginning farmer, shall be disposed of in accordance with chapter 47-30. Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the guarantee fund established by section 3 of this Act to the extent that funds from the guarantee fund were disbursed according to the terms of the loan guarantee. Proceeds in excess of the amount disbursed from the guarantee fund shall be paid into the general fund.

SECTION 3. ESTABLISHMENT AND MAINTENANCE OF ADEQUATE GUARANTEE FUNDS - USE OF LANDS AND MINERALS TRUST - APPROPRIATION. The industrial commission shall establish and at all times maintain in the Bank of North Dakota an adequate guarantee reserve fund in a special account in the Bank. The guarantee reserve fund shall be maintained from the lands and minerals trust created by section 15-08.1-08 and any moneys transferred from the lands and minerals trust to maintain the guarantee reserve fund are appropriated to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested shall meet the same requirements as those authorized for investment under the state investment board. The income from such investments shall be made available for the cost of administering the state guarantee loan program and income in excess of that required to pay the costs of administering the program shall be deposited in the reserve fund. The total amount of funds from the lands and minerals trust used as a guarantee reserve fund under this Act may not exceed two million dollars. The amount of reserves for all guaranteed loans shall be determined by a formula which will assure, as determined by the Bank, an adequate amount of reserve."

And renumber the lines and pages accordingly

Senate Concurrent Resolution No. 4091

LEO LEIDHOLM, Secretary

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2010 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that reengrossed Senate Bill No. 2010 be further amended as follows:

On page 4 of the reengrossed bill, after line 22, insert the following new sections:

"SECTION 8. COLLOCATION. Notwithstanding section 1 of chapter 338 of the 1979 Session Laws of the state of North Dakota, mental health and retardation service units established under chapter 25-12 and area social service centers under the jurisdiction of the social service board shall, not later than July 1, 1982, collocate their respective regional offices in each region of the state.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any funds collected through the issuance of licenses or registration certificates for sources of ionizing radiation are included in the health department estimated income line item and are to be used to defray the costs of the ionizing radiation licensing and certification program."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds two new sections relating to delaying the collocation of mental health and retardation and area social service centers and to the Health Department's use of the fees collected for the ionizing radiation licensing and certification program.

For the Senate: Senator Melland, Senator Lips, Senator Walsh. For the House: Representative Unhjem, Representative Frebord, Representative Meiers. 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. 2010 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 BILL

Senate Bill No. 2010. — A Bill for an Act making an appropriation for defraying the expenses of the department of health 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 2, 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			● GROTEBERG			● NELSON			● STREIBEL					
● ALBERS			● HANSON			● NETHING			● STROMME					
● BAKEWELL			● HOLMBERG			● OLIN			● TALLACKSON					
● BARTH			● ISZLER			● PARKER			● TENNEFOS					
● BERUBE			● LASHKOWITZ	●		● PETERSON			● THRANE					
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY					
● CHRISTENSEN, R. JW			● LEIBHAN			● REDLIN			● TWETEN					
● CUSSONS			● LIPS			● REITEN			● VOSPER					
● DOTZENROD			● LODGEN			● ROEN			● WALSH					
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM					
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT					
● FRITZELL			● MUTCH	●		● SORUM			● MR. PRESIDENT					
● GOODMAN			● NAADEN			● STENEHJEM								

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2010 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2011 has had the same under

consideration and recommends:

That the Senate accede to the House amendments and that Senate Bill No. 2011, as reengrossed by the House, be further amended as follows:

- On page 2 of the reengrossed bill, line 5, delete the numerals "477,538" and insert in lieu thereof the numerals "551,753"
- On page 2 of the reengrossed bill, line 10, delete the numerals "16,313,247" and insert in lieu thereof the numerals "16,387,462"
- On page 2 of the reengrossed bill, line 11, delete the numerals "5,465,784" and insert in lieu thereof the numerals "5,476,925"
- On page 2 of the reengrossed bill, line 12, delete the numerals "10,847,463" and insert in lieu thereof the numerals "10,910,537"
- On page 4 of the reengrossed bill, line 23, delete the word "It" and insert in lieu thereof the word "There"
- On page 5 of the reengrossed bill, after line 3, insert the following:

"SECTION 13. LEGISLATIVE INTENT. It is the intent of the legislative assembly that if additional case management services are needed to provide services to developmentally disabled individuals receiving services under the appropriation provided in section 2 of this Act, that these services be provided by the staff of the human service centers in each region of the state."

- On page 5 of the reengrossed bill, line 4, delete the numerals "93,790,308" and insert in lieu thereof the numerals "93,853,382"
- On page 5 of the reengrossed bill, line 5, delete the numerals "240,791,45R" and insert in lieu thereof the numerals "240,802,599"
- On page 5 of the reengrossed bill, line 6, delete the numerals "334,581,766" and insert in lieu thereof the numerals "334,655,981"

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the salaries and wages line item in

Section 2 of this Act by \$74,215. This is arrived at as follows:

	<u>Total Funds</u>	<u>General Fund</u>	<u>Special Funds</u>
Add:			
1 habilitation program administrator, 1 secretary, 1 position to maintain work activity, 1 training coordinator	\$169,637	\$ 86,930	\$ 82,707
	<u>Total Funds</u>	<u>General Fund</u>	<u>Special Funds</u>
Delete:			
1 human service program administrator and 1 accountant	\$(95,422)	\$(23,856)	\$(71,566)
Net adjustment increase (decrease)	<u>\$ 74,215</u>	<u>\$ 63,074</u>	<u>\$ 11,141</u>


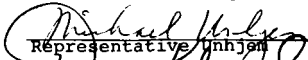
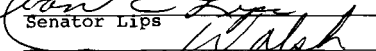
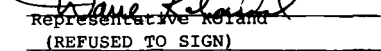
The following schedule details the adjusted deinstitutionalization programs:

<u>Program</u>	<u>Total Funds</u>	<u>General Fund</u>	<u>Special Funds</u>
<u>Social Service Board</u>			
Vocational rehabilitation	\$ 4,907,580	\$ 4,907,580	
Adult group homes	159,771	76,690	\$ 83,081
Community facilities - 200 beds	5,961,900	2,205,903	3,755,997
Hospital, physician, drugs, 4 case managers at the local level	493,852	182,725	311,127
Staff to modify MMIS (4 FTE)	206,994	78,421	128,573
<u>Health Department</u>			
Maintain work activity, etc.	\$ 2,387,241	\$ 2,067,676	\$ 319,565
Provide services and support to families to keep individuals at home	285,000	285,000	
Infant screening, evaluation and training	672,000	672,000	
Health Department personnel	545,694	137,360	408,334
Data processing	55,000	49,500	5,500
Indirect costs	43,020		43,020
Transitional living for mentally ill (13 existing and 24 new during the second year)	669,410	247,682	421,728
Grand Total	<u>\$16,387,462</u>	<u>\$10,910,537</u>	<u>\$5,476,925</u>

The amounts included for each program, by line item appropriation, are as follows:

<u>Line Item</u>	<u>Vocational Rehabilitation</u>	<u>Social Service Board</u>	<u>Health Department</u>	<u>Total</u>
Salaries and wages		\$ 279,351	\$ 272,402	\$ 551,753
Operating expenses		64,279	351,357	415,636
Data processing		17,898	55,000	72,898
Equipment		5,127	13,261	18,388
Grants	<u>\$4,907,580</u>	<u>6,455,862</u>	<u>3,965,345</u>	<u>15,328,787</u>
Total	<u>\$4,907,580</u>	<u>\$6,822,517</u>	<u>\$4,657,365</u>	<u>\$16,387,462</u>

For the Senate For the House



 Senator Melland Representative Unhjem


 Senator Lips Representative Roland
 Senator Walsh (REFUSED TO SIGN)
Representative Meiers
 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. 2011 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. 2011. — A Bill for an Act making an appropriation for defraying the expenses of the social service board, the human service centers, and the industrial commission of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes 49, nays 1, 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			● 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. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHALOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● NUTCH			● 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. 2011 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 House has reconsidered the action by which the House passed House Bill No. 1497 after concurring in the Senate amendments and subsequently failed to pass House Bill No. 1497.

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. _____ President _____: Your Conference Committee to whom was referred _____ Senate _____ Bill No. 2347 _____ has had the same under consideration and recommends:

that the House recede from its amendments and that engrossed Senate Bill No. 2347 be amended as follows:

That the House recede from its amendments and that engrossed Senate Bill No. 2347 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 section to chapter 57-38 of the North Dakota Century Code, relating to a simplified optional method of computing state income tax liability; to amend and reenact subsection 21 of section 57-38-01 and section 57-38-30 of the North Dakota Century Code, relating to the updating of the definition of federal taxable income for individuals, estates, trusts, and corporations, and to corporation income tax rates; and to provide an effective date.

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

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

SIMPLIFIED OPTIONAL METHOD OF COMPUTING TAX.

1. Notwithstanding the other provisions of this chapter, an individual, estate, or trust may elect to determine state income tax liability by applying the provisions of this section. Any taxpayer electing to determine his income tax liability pursuant to this section shall only be eligible for those adjustments or credits which are specifically provided for in this section.
2. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. This tax shall be seven and one-half percent of the individual's, estate's, or trust's adjusted federal income tax liability for the taxable year.
3. The adjusted federal income tax liability for a resident individual, estate, and trust shall be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income taxable to this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States or state constitutional provisions shall be excluded from the numerator.
4. The adjusted federal income tax liability of a nonresident individual, estate, and trust shall be determined by multiplying the federal income tax liability by a fraction, the numerator of which is the adjusted gross income derived from sources within this state and the denominator of which is the total adjusted gross income as reported on the federal income tax return. Interest income from United States obligations and other income not taxable to this state because of federal statutes, United States or state constitutional provisions shall be excluded from the numerator.

JOURNAL OF THE SENATE

5. For the purposes of this section, the term "federal income tax liability" means the individual's, estate's, or trust's federal income tax liability as computed for federal income tax purposes using tax tables or schedule TC, plus additional taxes due on federal income tax schedules or forms 4970, 4972, 5544, 5405, section 72(m)(5) penalty tax, 4625, 6251, and 5329, and before credit for contributions to candidates for public office, credit for the elderly (schedule R&RP), credit for child and dependent care expenses (form 2441), investment credit (form 3468), foreign tax credit (form 1116), work incentive credit (form 4874), jobs credit (form 5884), residential energy credit (form 5695), and before reduction for federal income tax withheld, estimated payments, earned income credit, excess Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code of 1954, as amended), and the federal Railroad Retirement Tax Act (chapter 22 of the Internal Revenue Code of 1954, as amended), taxes withheld, credit for federal taxes on special fuels and oils, and regulated investment company credits. The term does not include amounts due for self-employment tax or social security tax and railroad retirement tax on tips.
6. Where a husband and wife determine their federal income tax liability for the taxable year on a joint federal income tax return they may elect to determine their North Dakota income taxes separately. The federal income tax liability shall be apportioned between them in the proportion that the adjusted gross income of each bears to their combined adjusted gross income. The adjusted gross income of each shall be determined in the same way that each would have been required to determine it if they had filed separate federal income tax returns.
7. a. A resident individual, estate, or trust shall be allowed a credit against the tax otherwise due under this section for the amount of any income tax imposed on the taxpayer for the taxable year by another state or territory of the United States or the District of Columbia on income derived from sources therein and which is also subject to tax under this section.
- b. The credit provided under this subsection shall not exceed the proportion of the tax otherwise due under this section that the amount of the taxpayer's adjusted gross income derived from sources in the other taxing jurisdiction bears to the taxpayer's entire adjusted gross income as reported on the taxpayer's federal income tax return.
8. An individual, estate, or trust shall be allowed as a credit against the tax otherwise due under this section the energy cost relief credit provided for in initiated measure No. 6 as approved by the voters in the November 1980 general election.
9. a. Individuals, estates, or trusts receiving a refund of federal income tax for a year for which an election to file state income tax

returns has been made under this section shall file amended state income tax returns reducing the federal income tax liability for the year for which the federal income tax refund is granted and shall not report the federal income tax refund in the year received.

b. Individuals, estates, or trusts assessed additional federal income tax for a year for which an election to file state income tax returns has been made under this section shall file amended state income tax returns increasing the federal income tax liability for the year for which the additional federal income tax is assessed and shall not report increased federal income tax liability in the year in which the additional federal income tax is paid.

10. The tax commissioner may prescribe procedures and guidelines to prevent requiring income that had been previously taxed under this chapter from becoming taxed again because of the provisions of this section and may prescribe procedures and guidelines to prevent any income from becoming exempt from taxation because of the provisions of this section if it would otherwise have been subject to taxation under the provisions of this chapter.

SECTION 2. AMENDMENT. Subsection 21 of section 57-38-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 3. AMENDMENT. Section 57-38-30 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-38-30. IMPOSITION AND RATE OF TAX ON CORPORATIONS. A tax is hereby imposed upon the taxable income of every domestic and foreign corporation received from the sources described in sections 57-38-12,

JOURNAL OF THE SENATE

57-38-13, and 57-38-14, which shall be levied, collected, and paid annually as in this chapter provided, and which shall be computed at the following rates:

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

SECTION 4. EFFECTIVE DATE. The provisions of this Act shall be effective for all taxable years beginning on or after January 1, 1981.

And renumber the lines and pages accordingly.

For the Senate	For the House
Sen. Goodman <u><i>Goodman</i></u>	Rep. A. Olson <u><i>Alice Olson</i></u>
Sen. Moore <u><i>more</i></u>	Rep. A. Hausauer <u><i>A. Hausauer</i></u>
Sen. Shablow <u>refused to sign</u>	Rep. Kelly <u>refused to sign</u>

Senator Goodman _____ moved that the report be adopted,

Senator Shablow moved that the Senate not adopt the conference report. and re-refer Senate Bill No. 2347 back to the conference committee.

Senator Redlin requested a recorded roll call vote on the motion not to adopt the conference committee report and to re-refer Senate Bill No. 2347 back to the conference committee, which request was granted.

ROLL CALL

The question being on the motion to return Senate Bill No. 2347 back to the conference committee, the roll was called and there were ayes 10, nays 40, absent and not voting 0.

NORTH DAKOTA SENATE											
REGULAR SESSION						1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ADAMS	•		GROTEBERG	•		NELSON	•		STREIBEL	•	
ALBERS	•		HANSON	•		NETHING	•		STROMME	•	
BAKEWELL	•		HOLMBERG	•		OLIN	•		TALLACKSON	•	
BARTH	•		ISZLER	•		PARKER	•		TENNEFOS	•	
BERUBE	•		LASHKOWITZ	•		PETERSON	•		THANE	•	
CHRISTENSEN, H. #5	•		LEE	•		QUAIL	•		TIERNEY	•	
CHRISTENSEN, R. #6	•		LEIGHAN	•		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	•				

The motion lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Goodman moved that the Conference Committee Report on Senate Bill No. 2347 be adopted, which motion prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2347 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. 2347. — A Bill for an Act to amend and reenact subsection 21 of section 57-38-01 and section 57-38-30 of the North Dakota Century Code, relating to the updating of the definition of federal taxable income for individuals, estates, trusts, and corporations, and to corporation income tax rates; and to provide an effective date.

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 1, 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	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			● 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			● NAA DEN			● STENEHJEM											

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2347 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTION

Senator Reiten moved that the conference committee on House Bill No. 1058 be dissolved, and a new committee of three be appointed to act with a like committee from the House as a conference committee on House Bill No. 1058, which motion prevailed.

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

- Senator Reiten, Chairman
- Senator Tennesfos
- Senator R. Christensen

Report of Procedural Committee

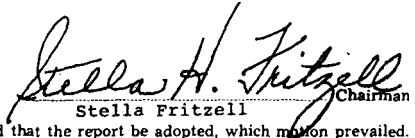
MR. PRESIDENT:

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

Senate Bill No. 2286

and find the same correctly } Enrolled

Senator .. Bakewell


Stella Fritzell
Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:
Senate Bill No. 2286

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:
Senate Bill No. 2286

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

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2005
Senate Bill No. 2019
Senate Bill No. 2025
Senate Bill No. 2046
Senate Bill No. 2092

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President:

I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendments to House Bill No. 1199, and now has concurred in the Senate amendment to House Bill No. 1199, and subsequently failed to pass House Bill No. 1199.

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. 1001
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. 1008
House Bill No. 1028
House Bill No. 1040
House Bill No. 1049
House Bill No. 1605
House Bill No. 1653

Very respectfully,

TUESDAY, MARCH 31, 1981

1977

ROY GILBREATH, Chief Clerk
House Chamber

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

House Bill No. 1659

and subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk
House Chamber

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

Senate Concurrent Resolution No. 4091

ROY GILBREATH, Chief Clerk

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

The Senate reconvened, with President Sands presiding.

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2286

Which the Speaker has signed.

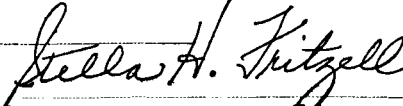
ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2286

was delivered to the Governor for his approval
on March 31, 1981.



Stella Fritzell

Chairman

MESSAGE TO THE HOUSE

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:

House Bill No. 1058

Senators:

Senator Reiten

Senator Tennesos

Senator R. Christensen

Very Respectfully,

LEO LEIDHOLM, Secretary

RECOGNITION

President Sands appointed Senators Nething and Redlin to escort Senator and Mrs. Berube to the rostrum.

President Sands: Senator Philip Berube of District 9 is completing his fifteenth consecutive legislative session as a member of the North Dakota Senate. He was first elected to the North Dakota Senate in 1952. He began serving in 1953, and has served ever since. No other senator in the state's history has served as long continuously as Senator

Berube. Until this session, three men, Senator Berube, Senator William Kamrath of Leith, and Senator Gust Wog of Belfield, had served 14 consecutive sessions. Senator Berube has surpassed that record this year with the completion of his 15th consecutive session. In appreciation of his nearly 30 years of service to the people of North Dakota, Senator Redlin would like to make a presentation to Senator Berube.

REMARKS OF SENATOR REDLIN

Thank you Mr. President, it is my pleasure to present to you, Senator Berube, on behalf of all of us in this chamber (paid for by your friends in the Democratic party), we would like to have you accept this plaque which is in recognition for the longest consecutive service in the North Dakota Senate, 15 consecutive sessions, 1953 - 1981, 47th Legislative Assembly. Senator Berube, this is a token of our esteem and respect for you and your long years of dedicated service with our best wishes.

REMARKS OF SENATOR BERUBE

Mr. President, members of the Senate, I want to thank the Democrats, (like Senator Redlin said) but I want to thank also, all those with whom I have served. I have served with many good people and I can't remember the number of them, but all of them were really good people, and I appreciate serving here in the Senate. I have never regretted running, except for the first two sessions, it was awful hard, I wondered all the time why I ran, but after that, it got easier all the time and I certainly appreciate all the years I have spent in the Senate. Thank you.

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2007
 Senate Bill No. 2009
 Senate Bill No. 2012
 Senate Bill No. 2018
 Senate Bill No. 2153
 Senate Bill No. 2253
 Senate Bill No. 2372

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2007
 Senate Bill No. 2009
 Senate Bill No. 2012
 Senate Bill No. 2018
 Senate Bill No. 2153
 Senate Bill No. 2253
 Senate Bill No. 2372

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

LEO LEIDHOLM, Secretary

MOTION

Senator Olin moved that House Bill No. 1365 be placed at the head of the calendar, which motion prevailed.

Senator Olin moved that the Senate reconsider the action whereby House Bill No. 1365 passed, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1365. — A Bill for an Act to create and enact a new section to chapter 57-52 and a new section to chapter 57-54 of the North Dakota Century Code to provide an additional three cent per gallon tax

on certain special fuels and motor vehicle fuels; to provide a distribution formula for the revenues generated by these taxes; to amend and reenact section 39-04-19 and 57-53-02 of the North Dakota Century Code, relating to motor vehicle registration fees and the special fuel excise tax; and to provide an expiration date.

Which has been read.

Senator Olin moved that House Bill No. 1365 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 and reenact section 1 of House Bill No. 1341, as approved by the forty-seventh legislative assembly, relating to a conditional transfer of funds to the state capital construction fund; and to amend and reenact sections 39-04-19 and 57-50-01 and subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to motor vehicle registration fees, refunds of the motor vehicle fuel and special fuel taxes, and distribution of the first one percent of the oil and gas gross production tax.

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

SECTION 1. Section 1 of House Bill No. 1341, as enacted by the forty-seventh legislative assembly, is hereby amended and reenacted to read as follows:

SECTION 1. APPROPRIATION - TRANSFER. In the event that the amount of revenues deposited in the general fund of the state treasury for the fiscal year ending June 30, 1981, exceeds \$348,500,000, the director of the department of accounts and purchases shall direct the state treasurer to transfer from the general fund to the state capital construction fund the sum of \$22,189,000, which is hereby appropriated, or so much thereof as may be necessary, or the amount by which the revenues deposited in the general fund for the fiscal year ending June 30, 1981, exceeds \$348,500,000, whichever is less. In the event that the revenues deposited in the general fund of the state treasury for the fiscal year ending June 30, 1982, exceed ~~\$400,000,000~~ \$383,900,000, the director of the department of accounts and purchases shall direct the state treasurer to transfer from the general fund to the state capital construction fund the funds that are in excess of ~~\$400,000,000~~ \$383,900,000, or so much thereof as may be necessary, for the projects listed in section 2 of this Act for which funds were not previously transferred from the general fund to the capital construction fund, or the amount by which the revenues deposited in the general fund for the fiscal year ending June 30, 1982, exceed ~~\$400,000,000~~ \$383,900,000, whichever is less. In addition to other transfers authorized by this section, if more than fifty percent of the amount appropriated in section 2 of this Act for a specific facility, in priority order, is transferred from the general fund to the capital construction fund on the dates authorized in this section, the director of the department of accounts and purchases shall direct the state treasurer to transfer the additional amounts required to complete such facility, not to exceed the total appropriation of state funds for such facility as set forth in section 2. Funds transferred pursuant to this section shall be expended by the various agencies, departments, and institutions for the construction or addition, remodeling, and equipping of buildings in accordance with specific appropriation made by the legislative assembly in section 2 of this Act.

SECTION 2. AMENDMENT. Section 39-04-19 of the

JOURNAL OF THE SENATE

North Dakota Century Code is hereby amended and reenacted to read as follows:

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

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the commissioner, shall pay a fee of ten dollars for a trip permit which shall be valid for a period of seventy-two hours. All fees collected under the provisions of this subsection shall be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state shall be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle first becomes subject to registration other than at the beginning of the registration period, such fees shall be prorated on a monthly basis. The minimum fee charged hereunder shall be five dollars:
 - a. Passenger motor vehicles including buses for hire, hearses, and ambulances:

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th and Subsequent Years
1,999 or less	\$ 32.00	\$ 25.00	\$ 19.00	\$ 15.00
2,000-2,399	34.00	27.00	20.00	15.00
2,400-2,799	36.00	29.00	22.00	15.00
2,800-3,199	38.00	30.00	23.00	16.00
3,200-3,599	42.00	33.00	25.00	17.00
3,600-3,999	46.00	37.00	28.00	19.00
4,000-4,499	56.00	45.00	34.00	23.00
4,500-4,999	72.00	57.00	43.00	29.00
5,000-5,999	100.00	80.00	60.00	40.00
6,000-6,999	130.00	104.00	70.00	52.00
7,000-7,999	160.00	120.00	96.00	64.00
8,000-8,999	190.00	152.00	114.00	76.00
9,000 and over	220.00	176.00	132.00	80.00
<u>1,999 or less</u>	<u>\$ 37.00</u>	<u>\$ 30.00</u>	<u>\$ 24.00</u>	<u>\$ 20.00</u>
2,000-2,399	39.00	32.00	25.00	20.00
2,400-2,799	41.00	34.00	27.00	20.00
2,800-3,199	43.00	35.00	28.00	21.00
3,200-3,599	47.00	38.00	30.00	22.00
3,600-3,999	51.00	42.00	33.00	24.00
4,000-4,499	61.00	50.00	39.00	28.00
4,500-4,999	77.00	62.00	48.00	34.00
5,000-5,999	105.00	85.00	65.00	45.00
6,000-6,999	135.00	109.00	83.00	57.00
7,000-7,999	165.00	133.00	101.00	69.00
8,000-8,999	195.00	157.00	119.00	81.00
9,000 and over	225.00	181.00	137.00	93.00

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

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

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
0--4,000	\$26.00	\$21.00	\$16.00	\$15.00
4,001--6,000	31.00	25.00	20.00	15.00
6,001--8,000	36.00	29.00	23.00	15.00
8,001--10,000	41.00	34.00	26.00	16.00
10,001--12,000	47.00	38.00	29.00	18.00
12,001--14,000	52.00	42.00	32.00	20.00
14,001--16,000	57.00	46.00	35.00	22.00
16,001--18,000	62.00	50.00	38.00	24.00
18,001--20,000	68.00	55.00	42.00	26.00
20,001--22,000	73.00	59.00	45.00	27.00
22,001--24,000	78.00	63.00	48.00	29.00
0- 4,000	\$31.00	\$26.00	\$21.00	\$20.00
4,001- 6,000	36.00	30.00	25.00	20.00
6,001- 8,000	41.00	34.00	28.00	20.00
8,001-10,000	46.00	39.00	31.00	21.00
10,001-12,000	52.00	43.00	34.00	23.00
12,001-14,000	57.00	47.00	37.00	25.00
14,001-16,000	67.00	56.00	45.00	32.00
16,001-18,000	72.00	60.00	48.00	34.00
18,001-20,000	78.00	65.00	52.00	36.00
20,001-22,000	83.00	69.00	55.00	37.00
22,001-24,000	88.00	73.00	58.00	39.00

YEARS REGISTERED

Gross Weights	1st, 2nd, 3rd, and 4th Years	5th, 6th, 7th, 8th, and 9th Years	10th and Subsequent Years
24,001--26,000	\$--176.00	\$--141.00	\$--123.00
26,001--28,000	211.00	169.00	148.00
28,001--30,000	246.00	197.00	172.00
30,001--32,000	281.00	225.00	197.00
32,001--34,000	316.00	253.00	221.00
34,001--36,000	351.00	281.00	246.00
36,001--38,000	386.00	309.00	270.00
38,001--40,000	421.00	337.00	295.00
40,001--42,000	456.00	365.00	319.00
42,001--44,000	491.00	393.00	344.00
44,001--46,000	526.00	421.00	368.00
46,001--48,000	561.00	449.00	393.00
48,001--50,000	596.00	477.00	417.00
50,001--52,000	631.00	505.00	442.00
52,001--54,000	666.00	533.00	466.00
54,001--56,000	701.00	561.00	491.00
56,001--58,000	736.00	589.00	515.00
58,001--60,000	771.00	617.00	540.00
60,001--62,000	806.00	645.00	564.00
62,001--64,000	841.00	673.00	589.00
64,001--66,000	876.00	701.00	613.00
66,001--68,000	911.00	729.00	638.00
68,001--70,000	946.00	757.00	662.00
70,001--72,000	981.00	785.00	687.00
72,001--74,000	1,016.00	813.00	711.00
74,001--76,000	1,051.00	841.00	736.00
76,001--78,000	1,086.00	869.00	760.00
78,001--80,000	1,121.00	897.00	785.00
80,001--82,000	1,156.00	925.00	809.00
82,001--84,000	1,191.00	953.00	833.00

84,001--86,000	1,296.00	1,045.00	909.00
86,001--88,000	1,366.00	1,105.00	959.00
88,001--90,000	1,436.00	1,165.00	1,009.00
90,001--92,000	1,506.00	1,225.00	1,059.00
92,001--94,000	1,576.00	1,285.00	1,109.00
94,001--96,000	1,646.00	1,345.00	1,159.00
96,001--98,000	1,716.00	1,405.00	1,209.00
98,001--100,000	1,786.00	1,465.00	1,259.00
100,001--102,000	1,856.00	1,525.00	1,309.00
102,001--104,000	1,926.00	1,585.00	1,359.00
104,001--105,500	1,996.00	1,645.00	1,409.00
24,001- 26,000	\$ 186.00	\$ 151.00	\$ 133.00
26,001- 28,000	221.00	179.00	158.00
28,001- 30,000	256.00	207.00	182.00
30,001- 32,000	296.00	240.00	212.00
32,001- 34,000	331.00	268.00	236.00
34,001- 36,000	366.00	296.00	261.00
36,001- 38,000	401.00	324.00	285.00
38,001- 40,000	436.00	352.00	310.00
40,001- 42,000	471.00	380.00	334.00
42,001- 44,000	506.00	408.00	359.00
44,001- 46,000	541.00	436.00	383.00
46,001- 48,000	576.00	464.00	408.00
48,001- 50,000	611.00	492.00	432.00
50,001- 52,000	656.00	530.00	467.00
52,001- 54,000	691.00	558.00	491.00
54,001- 56,000	726.00	586.00	516.00
56,001- 58,000	761.00	614.00	540.00
58,001- 60,000	796.00	642.00	565.00
60,001- 62,000	831.00	670.00	589.00
62,001- 64,000	866.00	698.00	614.00
64,001- 66,000	901.00	726.00	638.00
66,001- 68,000	936.00	754.00	663.00
68,001- 70,000	971.00	782.00	687.00
70,001- 72,000	1,006.00	810.00	712.00
72,001- 74,000	1,041.00	838.00	736.00
74,001- 76,000	1,076.00	866.00	761.00
76,001- 78,000	1,111.00	894.00	785.00
78,001- 80,000	1,146.00	922.00	810.00
80,001- 82,000	1,181.00	950.00	834.00
82,001- 84,000	1,251.00	1,010.00	884.00
84,001- 86,000	1,321.00	1,070.00	934.00
86,001- 88,000	1,391.00	1,130.00	984.00
88,001- 90,000	1,461.00	1,190.00	1,034.00
90,001- 92,000	1,531.00	1,250.00	1,084.00
92,001- 94,000	1,601.00	1,310.00	1,134.00
94,001- 96,000	1,671.00	1,370.00	1,184.00
96,001- 98,000	1,741.00	1,430.00	1,234.00
98,001-100,000	1,811.00	1,490.00	1,284.00
100,001-102,000	1,881.00	1,550.00	1,334.00
102,001-104,000	1,951.00	1,610.00	1,384.00
104,001-105,500	2,021.00	1,670.00	1,434.00

c. Motorcycles:

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

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

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 as codified into 38 U.S.C. 1901 shall be exempt from the payment of state sales or use tax and, if paid, such veterans shall be entitled to a refund. This exemption shall also apply to a passenger motor vehicle or pickup truck not

exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a disabled veteran, provided that it shall be allowed only with respect to one such motor vehicle owned by such a disabled veteran at any one time.

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter shall be furnished registration plates upon the payment of one of the following annual fees:
 - a. Ten dollars for trailers and farm trailers which are not semitrailers, including trailers which are offered for lease or rent to the public.
 - b. Ten dollars per axle, limited to a maximum of thirty dollars, for semitrailers and farm trailers which are semitrailers, when the gross weight, not including the weight of the towing vehicle, does not exceed twenty-four thousand pounds [10886.22 kilograms].
 - c. Ten dollars for semitrailers when the gross weight, not including the weight of the towing vehicle, exceeds twenty-four thousand pounds [10886.22 kilograms].

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

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

YEARS REGISTERED

Gross Weights	1st, 2nd, and 3rd Years	4th and 5th Years	6th and 7th Years	8th and Subsequent Years
24,001-26,000	\$-86.00	\$-69.00	\$-52.00	\$-21.00
26,001-28,000	96.00	77.00	58.00	35.00
28,001-30,000	106.00	85.00	64.00	39.00
30,001-32,000	116.00	93.00	70.00	43.00
32,001-34,000	126.00	101.00	76.00	47.00
34,001-36,000	136.00	109.00	82.00	51.00
36,001-38,000	146.00	117.00	88.00	55.00
38,001-40,000	156.00	125.00	94.00	59.00
40,001-42,000	166.00	133.00	100.00	63.00
42,001-44,000	176.00	141.00	106.00	67.00
44,001-46,000	186.00	149.00	112.00	71.00
46,001-48,000	196.00	157.00	118.00	75.00
48,001-50,000	206.00	165.00	124.00	79.00
50,001-52,000	216.00	173.00	130.00	83.00

52,001-54,000	226.00	181.00	136.00	87.00
54,001-56,000	236.00	189.00	142.00	91.00
56,001-58,000	246.00	197.00	148.00	95.00
58,001-60,000	256.00	205.00	154.00	99.00
60,001-62,000	266.00	213.00	160.00	103.00
62,001-64,000	276.00	221.00	166.00	107.00
64,001-66,000	286.00	229.00	172.00	111.00
66,001-68,000	296.00	237.00	178.00	115.00
68,001-70,000	306.00	245.00	184.00	119.00
70,001-72,000	316.00	253.00	190.00	123.00
72,001-74,000	326.00	261.00	196.00	127.00
74,001-76,000	336.00	269.00	202.00	131.00
76,001-78,000	346.00	277.00	208.00	135.00
78,001-80,000	356.00	285.00	214.00	139.00
80,001-82,000	366.00	293.00	220.00	143.00
24,001-26,000	\$ 96.00	\$ 79.00	\$ 62.00	\$ 41.00
26,001-28,000	106.00	87.00	68.00	45.00
28,001-30,000	116.00	95.00	74.00	49.00
30,001-32,000	131.00	108.00	85.00	58.00
32,001-34,000	141.00	116.00	91.00	62.00
34,001-36,000	151.00	124.00	97.00	66.00
36,001-38,000	161.00	132.00	103.00	70.00
38,001-40,000	171.00	140.00	109.00	74.00
40,001-42,000	181.00	148.00	115.00	78.00
42,001-44,000	191.00	156.00	121.00	82.00
44,001-46,000	201.00	164.00	127.00	86.00
46,001-48,000	211.00	172.00	133.00	90.00
48,001-50,000	221.00	180.00	139.00	94.00
50,001-52,000	241.00	198.00	155.00	108.00
52,001-54,000	251.00	206.00	161.00	112.00
54,001-56,000	261.00	214.00	167.00	116.00
56,001-58,000	271.00	222.00	173.00	120.00
58,001-60,000	281.00	230.00	179.00	124.00
60,001-62,000	291.00	238.00	185.00	128.00
62,001-64,000	301.00	246.00	191.00	132.00
64,001-66,000	311.00	254.00	197.00	136.00
66,001-68,000	321.00	262.00	203.00	140.00
68,001-70,000	331.00	270.00	209.00	144.00
70,001-72,000	341.00	278.00	215.00	148.00
72,001-74,000	351.00	286.00	221.00	152.00
74,001-76,000	361.00	294.00	227.00	156.00
76,001-78,000	371.00	302.00	233.00	160.00
78,001-80,000	381.00	310.00	239.00	164.00
80,001-82,000	391.00	318.00	245.00	168.00

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

SECTION 3. 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 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 cent per gallon [3.79 liters], and the one-eighth cent per gallon [3.79 liters] withheld from the refund shall be deposited in the agriculturally derived alcohol motor vehicle fuel tax fund. 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 cent per gallon [3.79 liters] by the dealer and the one-eighth 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.

The refunds provided under this section from July 1, 1981, through June 30, 1983, for all fuels taxed under chapters 57-52 and 57-54, except those fuels used in aircraft or with respect to refunds claimed under section 57-50-05, shall be reduced by one cent per gallon. This one cent per gallon not refunded during the period July 1, 1981, through June 30, 1983, shall be transferred to township road and bridge funds or to the appropriate county fund in the case of unorganized townships. Each township, or county in the case of unorganized townships, shall receive a sum based upon the proportionate number of miles of township roads within the organized or unorganized township as compared with the total number of miles of township roads in the state. These funds are to be used for the construction or maintenance of township roads and may not be used to purchase road building or road maintenance equipment. No township, or county in the case of unorganized townships, shall receive any funds under this subsection unless that township is levying, for the current budget year, at least ninety-five percent of the mill levies authorized by law. If a township is not levying at the ninety-five percent level, the moneys to which they would be entitled under this subsection shall instead be deposited by the state treasurer in the highway tax distribution fund. The state treasurer may adopt rules, pursuant to chapter 28-32, necessary to the administration of this allocation to townships during the 1981-1983 biennium.

SECTION 4. AMENDMENT. Subsection 1 of section 57-51-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. First an amount equal to one percent of the gross value at the well of the oil and gas upon which a tax is collected under this chapter shall be deposited with the state treasurer, who shall ~~credit it to the general fund~~ distribute the revenues in the following manner.

a. For taxes received between July 1, 1981, and June 30, 1983:

- (1) The treasurer shall first distribute an amount which, when added to that distributed to townships from nonrefunded motor vehicle fuel and special fuel taxes under section 57-50-01, will result in a total distribution to townships under these two sections of eight million dollars for the 1981-83 biennium. The same distribution formula shall be used for moneys allocated to townships under this section as under 57-50-01;

(2) The treasurer shall next distribute an amount which, when added to the sum distributed under paragraph 1 above, does not exceed thirty-two million dollars for the 1981-83 biennium, to the highway tax distribution fund established under section 54-27-19; and

(3) The treasurer shall finally distribute any amount over thirty-two million dollars generated by this subsection for the 1981-83 biennium to the state general fund.

b. For any taxes received after June 30, 1983, all revenues shall be credited to the state general fund."

And renumber the lines and pages accordingly

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

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

SECOND READING OF HOUSE BILLS

House Bill No. 1365. — A Bill for an Act to amend and reenact section 1 of House Bill No. 1341, as approved by the forty-seventh legislative assembly, relating to a conditional transfer of funds to the state capital construction fund; and to amend and reenact sections 39-04-19 and 57-50-01 and subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to motor vehicle registration fees, refunds of the motor vehicle fuel and special fuel taxes, and distribution of the first one percent of the oil and gas gross production tax.

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 6, 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			● GROTEBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STORMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH	●		● ISZLER			● PARKER			● TENNEFOS		
● BERUBE		●	● LASHKOWITZ		●	● PETERSON			● THANE		
● CHRISTENSEN, H. JS			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. JW			● LEIBMAN			● REDLIN		●	● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODGEN			● ROEN	●		● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW		●	● WENSTROM		
● ERICKSON			● MOORE			● SOBBERG			● WRIGHT		
● FRITZELL			● MUTCH		●	● SOPRUM			● 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. 1365 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

The Honorable Ernest M. Sands
President of the Senate

March 31, 1981

TUESDAY, MARCH 31, 1981

1987

Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on March 31, 1981, I signed the following Senate Bills:

Senate Bill: 2101
Senate Bill: 2370
Senate Bill: 2389
Senate Bill: 2394
Senate Bill: 2417
Senate Bill: 2431
Senate Bill: 2437

Sincerely,
ALLEN I. OLSON
Governor

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred House Bill No. 1001 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1001 be amended as follows:

- On page 1 of the engrossed bill, line 2, after the word "elected" insert the words "and appointed"
- On page 1 of the engrossed bill, line 3, after the semicolon insert the following: "to create and enact three new subsections to section 54-44-04 of the North Dakota Century Code, relating to the powers and duties of the director of the department of accounts and purchases and a revision of the state accounting and financial reporting system; to amend and reenact subsection 8 of section 54-44-04 of the North Dakota Century Code, relating to the powers and duties of the director of the department of accounts and purchases;"
- On page 1 of the engrossed bill, line 17, delete the numerals "831,000" and insert in lieu thereof the numerals "803,202"
- On page 1 of the engrossed bill, line 18, delete the numerals "155,090" and insert in lieu thereof the numerals "165,090"
- On page 1 of the engrossed bill, line 23, delete the numerals "1,334,090" and insert in lieu thereof the numerals "1,316,292"
- On page 1 of the engrossed bill, line 25, delete the numerals "1,004,090" and insert in lieu thereof the numerals "986,292"
- On page 1 of the engrossed bill, line 28, delete the numerals "89,800" and insert in lieu thereof the numerals "59,600"
- On page 2 of the engrossed bill, line 1, delete the numerals "89,800" and insert in lieu thereof the numerals "59,600"
- On page 2 of the engrossed bill, line 4, delete the numerals "118,750" and insert in lieu thereof the numerals "100,000"
- On page 2 of the engrossed bill, line 5, delete the numerals "118,750" and insert in lieu thereof the numerals "100,000"
- On page 2 of the engrossed bill, line 8, delete the numerals "53,054" and insert in lieu thereof the numerals "51,420"

- On page 2 of the engrossed bill, line 11, delete the numerals "63,614" and insert in lieu thereof the numerals "61,980"
- On page 2 of the engrossed bill, line 14, delete the numerals "708,245" and insert in lieu thereof the numerals "685,107"
- On page 2 of the engrossed bill, line 15, delete the numerals "72,923" and insert in lieu thereof the numerals "87,805"
- On page 2 of the engrossed bill, line 19, delete the numerals "851,448" and insert in lieu thereof the numerals "843,192"
- On page 2 of the engrossed bill, line 27, delete the numerals "153,837" and insert in lieu thereof the numerals "148,841"
- On page 2 of the engrossed bill, delete lines 30 through 32
- On page 2 of the engrossed bill, line 33, delete the numerals "194,860" and insert in lieu thereof the numerals "344,291"
- On page 3 of the engrossed bill, line 1, delete the numerals "3,694,674" and insert in lieu thereof the numerals "3,572,408"
- On page 3 of the engrossed bill, line 2, delete the numerals "1,263,305" and insert in lieu thereof the numerals "1,261,559"
- On page 3 of the engrossed bill, line 8, delete the numerals "6,078,968" and insert in lieu thereof the numerals "5,954,956"
- On page 3 of the engrossed bill, line 10, delete the numerals "5,348,968" and insert in lieu thereof the numerals "5,224,956"
- On page 3 of the engrossed bill, line 13, delete the numerals "2,498,985" and insert in lieu thereof the numerals "2,416,279"
- On page 3 of the engrossed bill, line 14, delete the numerals "321,999" and insert in lieu thereof the numerals "314,791"
- On page 3 of the engrossed bill, line 17, delete the numerals "2,859,737" and insert in lieu thereof the numerals "2,769,823"
- On page 3 of the engrossed bill, line 20, delete the numerals "459,310" and insert in lieu thereof the numerals "444,425"
- On page 3 of the engrossed bill, line 21, delete the numerals "53,731" and insert in lieu thereof the numerals "50,931"
- On page 3 of the engrossed bill, line 24, delete the numerals "535,526" and insert in lieu thereof the numerals "517,841"
- On page 3 of the engrossed bill, line 27, delete the numerals "5,567,380" and insert in lieu thereof the numerals "5,473,146"
- On page 3 of the engrossed bill, line 28, delete the numerals "1,341,985" and insert in lieu thereof the numerals "1,348,670"
- On page 3 of the engrossed bill, line 30, delete the numerals "27,400" and insert in lieu thereof the numerals "29,254"
- On page 3 of the engrossed bill, line 31, delete the numerals "7,891,361" and insert in lieu thereof the numerals "7,805,666"
- On page 3 of the engrossed bill, line 34, delete the numerals "908,406" and insert in lieu thereof the numerals "829,666"
- On page 4 of the engrossed bill, line 1, delete the numerals "103,128" and insert in lieu thereof the numerals "102,057"
- On page 4 of the engrossed bill, line 4, delete the numerals "1,042,758" and insert in lieu thereof the numerals "962,947"
- On page 4 of the engrossed bill, line 7, delete the numerals "336,820" and insert in lieu thereof the numerals "325,586"

- On page 4 of the engrossed bill, line 10, delete the numerals "464,411" and insert in lieu thereof the numerals "453,177"
- On page 4 of the engrossed bill, line 12, delete the numerals "418,804" and insert in lieu thereof the numerals "407,570"
- On page 4 of the engrossed bill, line 15, delete the numerals "3,359,822" and insert in lieu thereof the numerals "3,220,894"
- On page 4 of the engrossed bill, line 16, delete the numerals "5,229,201" and insert in lieu thereof the numerals "5,203,248"
- On page 4 of the engrossed bill, line 18, delete the numerals "104,385" and insert in lieu thereof the numerals "104,110"
- On page 4 of the engrossed bill, line 20, delete the numerals "10,061,786" and insert in lieu thereof the numerals "9,896,630"
- On page 4 of the engrossed bill, line 21, delete the numerals "5,425,389" and insert in lieu thereof the numerals "5,349,032"
- On page 4 of the engrossed bill, line 22, delete the numerals "4,636,397" and insert in lieu thereof the numerals "4,547,598"
- On page 4 of the engrossed bill, line 25, delete the numerals "1,526,375" and insert in lieu thereof the numerals "1,477,493"
- On page 4 of the engrossed bill, line 26, delete the numerals "601,719" and insert in lieu thereof the numerals "597,774"
- On page 4 of the engrossed bill, line 28, delete the numerals "1,000,000" and insert in lieu thereof the numerals "250,000"
- On page 4 of the engrossed bill, line 29, delete the numerals "3,155,819" and insert in lieu thereof the numerals "2,352,992"
- On page 4 of the engrossed bill, line 30, delete the numerals "181,193" and insert in lieu thereof the numerals "177,605"
- On page 4 of the engrossed bill, line 31, delete the numerals "2,974,626" and insert in lieu thereof the numerals "2,175,387"
- On page 5 of the engrossed bill, line 1, delete the words "each of the calendar years" and insert in lieu thereof the following:
"the period beginning January 1, 1981, and ending December 31,"
- On page 5 of the engrossed bill, line 2, delete the following:
"of 1981 and"
- On page 5 of the engrossed bill, line 7, after the period insert the following: "The legislative assembly specifically finds that the amount of unvouchered expenses set forth for each of the state officials is reasonable. It is the intent of this legislative assembly to provide for the reasonable additional expenses of the elected state officials beyond their salaries. These unvouchered expenses are reasonably deemed necessary to offset inflationary increases in personal expenses experienced by elected state officials as a result of holding their offices."
- On page 5 of the engrossed bill, delete lines 8 through 22 and insert in lieu thereof the following:

<u>"Official</u>	<u>Expense Payment</u> <u>1981</u>	<u>Expense Payment</u> <u>1982</u>
Governor	\$ 7,027	\$13,862
Secretary of state	5,008	9,880
Attorney general	5,681	11,206
Superintendent of public instruction	5,083	10,028
Tax commissioner	5,008	9,880
Insurance commissioner	5,008	9,880
Public service commissioners	29,524	44,140

Agriculture commissioner	5,008	9,880
State auditor	5,008	9,880
State treasurer	5,008	9,880
Labor commissioner	5,008	9,880"

- On page 5 of the engrossed bill, line 23, delete the numerals "289,000" and insert in lieu thereof the numerals "230,767"
- On page 5 of the engrossed bill, line 28, delete the numerals "289,000" and insert in lieu thereof the numerals "230,767"
- On page 5 of the engrossed bill, line 31, delete the numerals "28,561,967" and insert in lieu thereof the numerals "28,280,138"
- On page 5 of the engrossed bill, line 32, delete the numerals "6,866,616" and insert in lieu thereof the numerals "6,632,244"
- On page 5 of the engrossed bill, line 33, delete the numerals "35,428,583" and insert in lieu thereof the numerals "34,912,382"
- On page 6 of the engrossed bill, delete lines 29 through 35
- On page 7 of the engrossed bill, delete lines 1 through 18 and insert in lieu thereof the following new sections:

"SECTION 7. LEGISLATIVE INTENT - OLD WEST REGIONAL COMMISSION APPROPRIATION. It is the intent of the legislative assembly that the appropriation for the old west regional commission in subdivision 3 of section 1 of this Act only be expended if federal funds are available for the old west regional commission.

SECTION 8. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the tax commissioner make a report to the next legislative assembly on oil and gas tax collections resulting from oil and gas tax audits conducted by the tax department. It is also the intent of the legislative assembly that the tax commissioner be allowed to employ audit personnel within authorized numbers of positions at his discretion in the various divisions of the tax department.

SECTION 9. AMENDMENT. Subsection 8 of section 54-44-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. Shall keep the general accounts, reflecting for each fund the resources and balance, together with current revenues and expenditures, and may shall provide for an accrual accounting system.

SECTION 10. Three new subsections to section 54-44-04 of the 1979 Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

Shall coordinate the development of accounting and financial related systems.

Shall create an accounting manual and provide sufficient training of current and potential users concerning the functions and use of a statewide accounting and reporting system.

Shall prepare on an annual basis comprehensive financial statements of the state of North Dakota.

SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the department of accounts and purchases for the purpose of revising the state accounting system for the biennium beginning July 1, 1981, and ending June 30, 1983."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:Governor's Office

The salaries and wages line item is reduced \$27,798 to delete funds for the noncontributory retirement plan. The operating expense line item is increased \$10,000 for expenses of the State Centennial Commission created by House Bill No. 1654.

Governor's Association

This appropriation is reduced \$30,200 in accordance with estimates for dues for the associations that the Governor's office will participate in.

Old West Regional Commission

This appropriation is reduced by \$18,750 to \$100,000. Also, a section of legislative intent is added to the bill which states that the general fund appropriation for the Old West Regional Commission shall only be expended if federal funds are available for the commission.

Lieutenant Governor

The salaries and wages line item is reduced \$1,634 to delete funds for the noncontributory retirement plan.

Secretary of State

The salaries and wages line item is reduced \$23,138 to delete funds for the noncontributory retirement plan. The operating expense line item is increased \$14,882 for microfilming expenses.

Secretary of State - Records Management and Microfilming

The salaries and wages line item is reduced \$4,996 to delete funds for the noncontributory retirement plan. Also, the general fund appropriation is increased \$154,427 since the estimated income appropriation is deleted pursuant to the provisions of House Bill No. 1072.

Attorney General

The salaries and wages line item is reduced \$122,266 to delete funds for the noncontributory retirement plan. The operating expense line item is reduced \$1,746 in accordance with legislative guidelines of nine percent per year regarding inflation.

State Auditor

The salaries and wages line item is reduced \$82,706 to delete funds for the noncontributory retirement plan. The operating expense line item is reduced \$7,208 in accordance with legislative guidelines of nine percent per year regarding inflation.

State Treasurer

The salaries and wages line item is reduced \$14,885 to delete funds for the noncontributory retirement plan. The operating expense line item is reduced a total of \$2,800 by subtracting \$2,500 for microfilming expenses and \$300 for moving expenses.

State Tax Commissioner

The salaries and wages line item is reduced \$167,756 to delete funds for the noncontributory retirement plan. The salaries and wages line item is increased \$73,502 for two additional oil and gas tax auditors.

The operating expense line item is reduced \$37,465 in accordance with legislative guidelines of nine percent per year regarding inflation. This line item is increased \$44,150 for the two additional tax auditors.

The equipment line item is increased by \$1,854 for two tax auditors.

Insurance Commissioner

The salaries and wages line item is reduced \$78,740 to delete \$28,392 for the noncontributory retirement plan, and to delete \$50,348 for a public information specialist position. The operating expense line item is reduced \$1,071 in accordance with legislative guidelines of nine percent per year regarding inflation.

Labor Commissioner

The salaries and wages line item is reduced \$11,234 to delete funds for the noncontributory retirement plan.

Public Service Commission

The salaries and wages line item is reduced \$106,135 to delete funds for the noncontributory retirement plan. Also, \$32,793 is deleted from salaries, \$13,750 from operating expenses, and \$275 from equipment for an administrative officer in the abandoned mined lands program. The operating expense line item is reduced \$12,203 in accordance with legislative guidelines of nine percent per year regarding inflation. The estimated income line item is reduced \$22,257 for the special fund amount deleted for the non-contributory retirement plan, \$7,282 for the amount deleted for operating expenses, and \$46,818 for the deleted position.

Agriculture Commissioner

The salaries and wages line item is reduced \$48,882 to delete funds for the noncontributory retirement plan. The operating expense line item is reduced \$3,945 in accordance with legislative guidelines of nine percent per year regarding inflation. Also the \$1,000,000 recommended for noxious weed control is reduced to \$250,000. The estimated income line item is reduced \$3,588 for the special fund share of the amount deleted for the noncontributory retirement plan.

State Officers Expense Payments

This amendment provides for total annual salary and expense allowance for state officials as follows:

ANALYSIS OF SALARIES AND UNVOUCHERED EXPENSE ALLOWANCE FOR ELECTED OFFICIALS

State Official	Annualized Amounts Calculating 10 Percent Increase January 1, 1981, Nine Percent Increase July 1, 1981, and Eight Percent Increase January 1, 1982								
	January 1, 1981-June 30, 1981			July 1, 1981-December 31, 1981			January 1, 1982-December 31, 1982		
	Statutory Salary	Annualized Expense Allowance	Total	Statutory Salary	Annualized Expense Allowance	Total	Statutory Salary	Annualized Expense Allowance	Total
Governor	\$47,000	\$ 4,700	\$51,700	\$47,000	\$ 9,354	\$56,354	\$47,000	\$ 13,862	\$60,862
Lt. Governor	8,000	0	8,000	8,000	0	8,000	8,000	0	8,000
Secretary of State	22,500	3,250	26,850	22,500	6,666	29,166	22,500	9,880	32,380
Attorney General	28,000	3,800	31,800	28,000	7,562	35,562	28,000	11,704	39,704
Superintendent of Public Instruction	34,000	3,400	37,400	34,000	6,766	40,766	34,000	10,028	44,028
Tax Commissioner	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
Insurance Commissioner	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
Public Service Commissioner	22,500	14,350	36,850	22,500	17,666	40,166	22,500	20,880	43,380
Public Service Commissioner	30,000	6,850	36,850	33,500	10,166	43,666	30,000	13,380	43,380
Public Service Commissioner	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
Agriculture Commissioner	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
State Auditor	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
State Treasurer	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
Labor Commissioner	33,500	3,250	36,850	33,500	6,666	40,166	33,500	9,880	43,380
Total		\$59,900			\$104,842			\$148,396	

1981-82 total expense allowance calculated as follows:

6 months - January 1, 1981-June 30, 1981 = \$59,900 ± 2	= \$ 29,950
6 months - July 1, 1981-December 31, 1981 = \$104,842 ± 2	= 52,421
12 months - January 1, 1982-December 31, 1982 = \$148,396	= 148,396
Total	\$230,767

Department of Accounts and Purchases

A \$1,000,000 appropriation is added to revise the state's accounting and reporting system.

For the Senate
Melland
 SEN. MELLAND
Streifel
 SEN. STREIFEL
Walsh
 SEN. WALSH

For the House
MarSDen
 REP. MARSDEN
Kuchzer
 REP. KUCHEZER
 (refused to sign)
 REP. MERTENS

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

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Melland moved that the rules be suspended, that House Bill No. 1001 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1001. — A Bill for an Act making an appropriation for defraying the expenses of various elected and appointed officials of the state of North Dakota; to create and enact three new subsections to section 54-44-04 of the North Dakota Century Code, relating to the powers and duties of the director of the department of accounts and purchases and a revision of the state accounting and financial reporting system; to amend and reenact subsection 8 of section 54-44-04 of the North Dakota Century Code, relating to the powers and duties of the director of the department of accounts and purchases; 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 42, nays 6, absent and not voting 2.

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

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

MOTION

Senator Nething moved that Senate Bill No. 2358 be placed at the head of the calendar, which motion prevailed.

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2358 has had the same under consideration and recommends:

that the House recede from its amendments and that engrossed Senate Bill No. 2358 be amended as follows:

That the House recede from its amendments and that engrossed Senate Bill No. 2358 be amended as follows:

On page 1 of the engrossed bill, line 1, delete everything after the words "A BILL" and delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code to provide for a transfer to a special trust fund and a credit against income taxes if the general fund balance reaches certain levels.

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

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

CERTIFICATION OF GENERAL FUND BALANCE - TRANSFER TO TRUST FUND - CREDIT AGAINST INDIVIDUAL AND CORPORATE INCOME TAXES. On or before August 15, 1982, the director of the office of management and budget shall certify to the tax commissioner the revenue which has been credited to the state general fund during the fiscal year beginning July 1, 1981, and ending June 30, 1982. If that amount exceeds four hundred thirty million dollars, the state treasurer, upon order of the office of management and budget, shall transfer the revenue which has been credited in excess of that amount to the special trust fund established by subsection 2 of section 7 of initiated measure No. 6 approved in the November 1980 general election, but in no event shall this transfer exceed twenty million dollars. If the revenue which has been credited to the state general fund during the fiscal year beginning July 1, 1981, and ending June 30, 1982, exceeds four hundred sixty million dollars, there shall be allowed, in addition to the transfer provided above, to individuals, estates, trusts, and corporations required to file income tax returns, a one-time credit for each taxpayer against the amount of tax liability imposed by sections 57-38-29 and 57-38-30 for the first taxable year beginning on or after January 1, 1982. The credit shall be in the amount of ten percent of the taxpayer's income tax liability, and shall be placed on the state income tax returns for individuals, estates, trusts, and corporations as a separate line item on each type of return which shall follow the computation of tax liability pursuant to the provisions of this chapter."

And renumber the lines and pages accordingly

For the Senate	For the House
Sen. Goodman <i>Goodman</i>	Rep. Moore <i>Moore</i>
Sen. Wright <i>Wright</i>	Rep. Crabtree <i>Crabtree</i>
Sen. Shablow <i>Shablow</i>	Rep. Richard <i>Richard</i>

Senator Goodman moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2358 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. 2358. — A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code to provide for a transfer to a special trust fund and a credit against income taxes if the general fund balance reaches certain levels.

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
● ADAMS			● GROTBERG			● 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. FM			● 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 Senate Bill No. 2358 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. 1008 has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1008 be amended as follows:

- On page 1 of the engrossed bill, line 18, delete the numerals "2,751,510" and insert in lieu thereof the numerals "2,662,512"
- On page 1 of the engrossed bill, line 22, delete the numerals "1,112,500" and insert in lieu thereof the numerals "243,500"
- On page 1 of the engrossed bill, line 23, delete the numerals "4,468,725" and insert in lieu thereof the numerals "3,510,727"
- On page 1 of the engrossed bill, line 25, delete the numerals "3,942,993" and insert in lieu thereof the numerals "2,984,995"
- On page 1 of the engrossed bill, line 28, delete the numerals "1,538,440" and insert in lieu thereof the numerals "1,490,964"
- On page 2 of the engrossed bill, line 4, delete the numerals "1,132,000" and insert in lieu thereof the numerals "293,000"
- On page 2 of the engrossed bill, line 5, delete the numerals "3,114,969" and insert in lieu thereof the numerals "2,228,493"
- On page 2 of the engrossed bill, line 7, delete the numerals "2,771,328" and insert in lieu thereof the numerals "1,884,852"
- On page 2 of the engrossed bill, line 8, delete the numerals "6,714,321" and insert in lieu thereof the numerals "4,869,847"
- On page 2 of the engrossed bill, line 10, delete the numerals "7,583,694" and insert in lieu thereof the numerals "5,739,220"
- On page 2 of the engrossed bill, delete lines 29 through 35
- On page 3 of the engrossed bill, delete lines 1 through 7

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

School for the Deaf

The salaries and wages line item for the School for the Deaf is reduced by \$88,998 from the general fund to delete funds for a noncontributory retirement plan. The capital improvements line item is reduced by \$869,000 from the general fund to delete funds for the activities building. Funds for this building are expected to be added to House Bill No. 1341.

School for the Blind

The salaries and wages line item for the School for the Blind is reduced by \$47,476 from the general fund to delete funds for a noncontributory retirement plan. The capital improvements line item is reduced by \$839,000 from the general fund by deleting funds for a classroom and library addition.

<p style="text-align: center;">For the Senate</p> <p style="text-align: center;"><i>Stella Fritzell</i> Sen. Fritzell</p> <p style="text-align: center;"><i>Naaden</i> Sen. Naaden</p> <p style="text-align: center;"><i>Walsh</i> Sen. Walsh</p>	<p style="text-align: center;">For the House</p> <p style="text-align: center;"><i>Rolf Kuchera</i> Rep. Kuchera</p> <p style="text-align: center;"><i>Hausauer</i> Rep. Hausauer</p> <p style="text-align: center;"><i>Mertens</i> Rep. Mertens</p>
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Sen. Fritzell moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Fritzell moved that the rules be suspended, that House Bill No. 1008 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1008. — A Bill for an Act making an appropriation for defraying the expenses of the school for the deaf and the school for the blind 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 47, nays 0, absent and not voting 3.

NORTH DAKOTA SENATE											
REGULAR SESSION						ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ADAMS			• GROTEBERG			• NELSON			• STREIBEL		
• ALBERS			• HANSON			• NETHING			• STROMME		
• BAKEWELL			• HOLMBERG			• OLIN			• TALACKSON		
• BARTH			• ISLER			• PARKER			• TENNEFOS		
• BERUBE			• LASKOWITZ			• PETERSON			• THANE		
• CHRISTENSEN, H. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #34			• LEIBMAN			• REDLIN			• TWETEN		
• CUSSONS			• LIPS			• REITEN			• VOSPER		
• DOTZENROD			• LODDEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAN			• 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.

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1028 has had the same under

consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1028 be amended as follows:

- On page 1 of the engrossed bill, line 14, delete the numerals "152,799" and insert in lieu thereof the numerals "147,737"
- On page 1 of the engrossed bill, line 17, delete the numerals "1,024,200" and insert in lieu thereof the numerals "1,012,200"
- On page 1 of the engrossed bill, line 18, delete the numerals "1,263,120" and insert in lieu thereof the numerals "1,246,058"
- On page 1 of the engrossed bill, line 20, delete the numerals "305,920" and insert in lieu thereof the numerals "288,858"
- On page 2 of the engrossed bill, delete lines 12 through 21
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Council on the Arts is decreased by \$5,062 for the removal of funds associated with the state funding a conversion to a noncontributory retirement plan for employees.

The amendment decreases the grants line item by \$12,000 from the general fund to reduce the additional funds provided for community development grants to \$38,000. The House version had provided \$50,000 in additional funds for these grants.

For the Senate
Ronald Hanson

 Ronald Hanson

 Sen. Wenstrom

 Sen. Walsh

 Sen. Hanson

For the House
Peter Lipple

 Rep. Lipple

Michael Unhjem

 Rep. Unhjem

Chas. W. Merten

 Rep. Mertens

_____ moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Hanson moved that the rules be suspended, that House Bill No. 1028 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1028. — A Bill for an Act making an appropriation for defraying the expenses of the council on the arts 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 43, nays 5, absent and not voting 2.

REGULAR SESSION				NORTH DAKOTA SENATE				1981 LEGISLATURE			
ROLL CALL				ROLL CALL				ROLL CALL			
YEAS	N-V	NAYS		YEAS	N-V	NAYS		YEAS	N-V	NAYS	
• ADAMS		•		• GROETBERG		•		• NELSON		•	
• ALBERS				• HANSON				• NETHING		•	
• BAKENWELL				• HOLMBERG				• OLIN		•	
• BARTH				• ISZLER		•		• PARKER		•	
• BERUBE				• LASKOWITZ				• PETERSON		•	
• CHRISTENSEN, H. #5				• LEE				• QUAIL		•	
• CHRISTENSEN, R. #36				• LEIBMAN				• REDLIN		•	
• CUSSONS				• LIPS				• REITEN		•	
• DOTZENROD				• LODOEN				• ROEN		•	
• DYKSHOORN				• MELLAND				• SHABLOW		•	
• ERICKSON				• MOORE		•		• SOLBERG		•	
• FRITZELL				• MUTCH				• SORUM		•	
• GOODMAN				• NAADEN		•		• STENEHEJEM		•	
										•	MR. PRESIDENT

So the bill passed and the title was agreed to.

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred House Bill No. 1040 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1040 as reengrossed by the Senate be further amended as follows:

- On page 1 of the reengrossed bill, line 3, after the word "reenact" insert the following: "subsection 7 of section 20.1-02-05 and"
- On page 1 of the reengrossed bill, line 4, after the word "to" insert the words "powers of the commissioner and"
- On page 1 of the reengrossed bill, line 18, delete the numerals "2,646,925" and insert in lieu thereof the numerals "2,621,925"
- On page 1 of the reengrossed bill, line 21, delete the numerals "945,850" and insert in lieu thereof the numerals "745,850"
- On page 1 of the reengrossed bill, line 23, delete the numerals "135,000" and insert in lieu thereof the numerals "110,000"
- On page 1 of the reengrossed bill, line 27, delete the numerals "11,397,289" and insert in lieu thereof the numerals "11,147,289"
- On page 2 of the reengrossed bill, after line 22, insert the following new section:

"SECTION 5. AMENDMENT. Subsection 7 of section 20.1-02-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. ~~Purchase~~ With the governor's approval, purchase, lease, or condemn real estate, when it is required to carry out this title, and sell it when it is no longer required, in the name of the state and subject to the approval of the governor."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment decreases the operating expenses line item by \$25,000, the capital improvements line item by \$200,000, and the noxious weed control line item by \$25,000 for the following:

Operating Expenses:

Trees	\$10,000
Seed, grass, etc.	10,000
Signs	5,000
Total	<u>\$25,000</u>

Capital Improvements - Wildlife Development:

Roads and trails	\$ 62,000
Feeders and grain bins	13,000
Fences	25,000
Total	<u>\$100,000</u>

Capital Improvements - Fishing Areas:

Bank erosion control	\$ 10,000
Hypolymnetic drawdowns for	14,000

reengrossed House Bill No. 1040, the roll was called and there were ayes 18, nays 31, absent and not voting 1.

NORTH DAKOTA SENATE											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
				GROTEBERG			NELSON				STREIBEL
				HANSON			NETHING				STROMME
				HOLMBERG			OLIN				TALLACKSON
				ISZLER			PARKER				TENNEFOS
				LASKKOWITZ			PETERSON				THANE
				LEE			QUAIL				TIERNEY
				LEIBHAN			REDLIN				TWETEN
				LIPS			REITEN				VOSPER
				LODDEN			ROEH				WALSH
				MELAND			SHABLOW				WENSTROM
				MOORE			SOLBERG				WRIGHT
				MUTCH			SORJIM				MR. PRESIDENT
				NAADEN			STENEW/JEM				

Section 5 of Senate reengrossed House Bill No. 1040 was declared lost.

Senator Nething moved that the vote by which House Bill No. 1040 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

Senator Goodman moved that the conference committee on House Bill No. 1199 be dissolved, which motion prevailed.

Report of Conference Committees

Mr. _____ PRESIDENT _____: Your Conference Committee to whom was referred _____ House _____ Bill No. 1049 _____ has had the same under consideration and recommends:

That the Senate recede from its amendments and that reengrossed House Bill No. 1049 be amended as follows:

On page 1 of the reengrossed bill, line 7, delete the word "and" and after the word "appropriation" and before the period insert the following: "; to provide effective dates; and to provide expiration dates"

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

"SECTION 3. ADMINISTRATION OF REVOLVING FUND. The revolving fund and loans made therefrom shall be supervised and administered by the Bank of North Dakota. All applications for loans under the provisions of this Act shall be made to the state department of human services. The department may promulgate rules, pursuant to chapter 28-32, to carry out the provisions of this Act. Applications approved by the department, in consultation with the state department of health, shall be forwarded to the Bank of North Dakota. Upon approval of such application by the Bank of North Dakota, loans shall be made from the revolving fund in accordance with the provisions of this Act."

On page 2 of the reengrossed bill, line 3, delete the numeral "3" and insert in lieu thereof the numeral "4"

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

On page 2 of the reengrossed bill, after line 28, insert the following:

"SECTION 5. AMOUNT OF LOAN - TERMS AND CONDITIONS. Loans in an amount not exceeding three-fourths of the cost of construction, reconstruction, or acquisition, including the cost or value of real estate upon which the facility is

located, and in no event exceeding three hundred thousand dollars to any one applicant, shall be made by the Bank of North Dakota to nonprofit corporations to be used in the construction, reconstruction, or acquisition of intermediate care facilities in this state for developmentally disabled persons and residential facilities for physically disabled persons. Such loans shall bear interest at a rate of five percent, and shall be repayable in the manner prescribed by the Bank of North Dakota within a period of not more than twenty-five years. In addition, in consideration of the granting of a loan under this Act, each nonprofit corporation shall execute a contract with the state to operate the facility in accordance with the standards prescribed for the licensing of the facility by the state department of human services. The contract shall also provide that if the use of the facility is discontinued or diverted to other purposes, the full amount of the loan provided under this Act shall immediately become due and payable. The Bank of North Dakota may deduct one-half of one percent of the outstanding loans annually as a service fee for administering the revolving fund. Payments of interest and principal on loans made under this Act shall be made to the Bank of North Dakota and credited to the revolving fund."

- On page 2 of the reengrossed bill, line 29, delete the numeral "4" and insert in lieu thereof the numeral "6"
- On page 3 of the reengrossed bill, line 1, delete the numeral "5" and insert in lieu thereof the numeral "7"
- On page 3 of the reengrossed bill, line 13, delete the numeral "6" and insert in lieu thereof the numeral "8"
- On page 3 of the reengrossed bill, line 14, delete the words "general fund in the state treasury" and insert in lieu thereof the words "land and minerals trust fund"
- On page 3 of the reengrossed bill, line 25, delete the words and numerals "Not less than \$600,000" and insert in lieu thereof the following: "Six hundred thousand dollars, or so much thereof as may be necessary,"
- On page 3 of the reengrossed bill, line 29, delete the numeral "7" and insert in lieu thereof the numeral "9"
- On page 4 of the reengrossed bill, after line 11, insert the following two new sections:

"SECTION 10. EFFECTIVE DATES. Sections 3 and 5 of this Act shall become effective on January 1, 1982.

SECTION 11. EXPIRATION DATES. Sections 2 and 4 of this Act shall be effective through December 31, 1981, and after that date shall be ineffective."

And renumber the lines and pages accordingly

the Senate	For the House
<i>Sen. Lips</i>	<i>Michael Unhjem</i>
<i>Sen. Thane</i>	<i>Rep. Unhjem</i>
<i>Sen. Tallackson</i>	<i>Rep. Jacobsen</i>
	<i>Rep. Mushik</i>

SEN. LIPS moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Lips moved that the rules be suspended, that House Bill No. 1049 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1049. — A Bill for an Act to establish a revolving loan fund at the Bank of North Dakota for construction, reconstruction, or acquisition of intermediate care facilities for developmentally disabled persons and residential facilities for physically disabled persons; to amend chapter 422 of the 1969 Session Laws of North Dakota, relating to termination of revolving loans by the Bank of North Dakota; and to provide an appropriation.

Which has been read.

ROLL CALL

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

REGULAR SESSION									1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ADAMS			● GROTBERG			● 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. JM			● LEIBMAN			● REDLIN			● TWETEN		
● CUSSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHARLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			MR. PRESIDENT		
● GOODMAN			● NAADEH			● STENEHJEM					

So the bill passed and the title was agreed to.

MESSAGE 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. 1036

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. _____ PRESIDENT _____: Your Conference Committee to whom was referred _____ HOUSE _____ Bill No. 1605 _____ has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1605 be further amended as follows:

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

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

SECTION 1. LEGISLATIVE INTENT. The legislative assembly recognizes the uniqueness of the native American culture and that the alcohol and drug abuse problems being experienced by reservation inhabitants can best be addressed with early education on the reservations. The legislative assembly further recognizes that a great deal

of human suffering can be avoided by working to prevent alcohol and drug abuse problems before they occur. With this in mind, the legislative assembly passes this Act appropriating state general funds to help finance alcohol and drug abuse education programs for native Americans on the four major Indian reservations in North Dakota.

SECTION 2. NATIVE AMERICAN ALCOHOL AND DRUG ABUSE EDUCATION FUND - CREATION AND DISTRIBUTION. There is hereby created in the state treasury a special fund to be known as the native American alcohol and drug abuse education fund. The moneys appropriated to this special fund shall be distributed by the state treasurer once each year, to the four major Indian reservations in North Dakota. Each reservation shall be entitled to receive a prorated share based upon the Indian population living on the reservation as compared with the total Indian population living on all four major reservations within the state as determined by the most recent federal decennial census. However, in order for reservations to receive funds, alcohol and drug abuse education programs on the reservation must make application to the North Dakota Indian affairs commission showing such information as required based on early educational program criteria developed and approved by the commission in consultation with the division of alcoholism and drug abuse, the state health department, and the office of Indian program development at the university of North Dakota. The state treasurer shall disburse the funds upon notification by the Indian affairs commission that they have received adequate evidence of proposed expenditures based on the above-mentioned criteria. Before the funds are disbursed, the Indian affairs commission shall provide the state treasurer with reports of expenditures from the previous year. Any moneys in the fund to which reservations are entitled but which are not disbursed, shall be returned to the state general fund at the same time the following year's disbursement is made or at the end of the 1981-83 biennium.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$383,836.83, or so much thereof as may be necessary, to the native American alcohol and drug abuse education fund in the state treasury for distribution as provided in this Act for the biennium beginning July 1, 1981, and ending June 30, 1983.

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

And renumber the lines, pages, and sections accordingly

For the Senate

For the House

Wenstrom

Jack Murphy

Sen. Wenstrom

Rep. Murphy

(REFUSED TO SIGN)

Sen. *Quail*

Rep. *Murphy*

Sen. *Parlackson*

Rep. *Richard*

Sen. Wenstrom

moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

SECOND READING OF HOUSE BILLS

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for the Agricultural Products Promotion Commission is reduced from \$250,221 to \$150,000 to reflect revised estimates of revenue available to the commission for the 1981-83 biennium because of the defeat of Senate Bill No. 2249 which would have increased the amount designated for the commission from 1/8 of one cent per gallon from the gas tax refund to 1/4 of one cent per gallon.

For the Senate
Sen. Olin
Sen. Vosper
Sen. Tallackson

For the House
Rep. Jacobsen
Rep. Thompson
Rep. Mertens

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

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Olin moved that the rules be suspended, that House Bill No. 1036 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1036. — A Bill for an Act making an appropriation for defraying the expenses of various agricultural councils and commissions of the state of North Dakota.

Which has been read.

ROLL CALL

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

Table with columns: REGULAR SESSION (YEAS, N-V, NAYS), NORTH DAKOTA SENATE ROLL CALL, 1981 LEGISLATURE (YEAS, N-V, NAYS). Lists names of senators and their voting status.

So the bill passed and the title was agreed to.

Report of Conference Committees

Mr. PRESIDENT: Your Conference Committee to whom was referred House Bill No. 1653 has had the same under

consideration and recommends:

That the Senate recede from its amendments and HB 1653 be amended as follows:

On page 2, line 9 of the engrossed bill, after the numerals "1981" insert the following " , provided, however, that in no event shall the salary of a judge of a county court of increased jurisdiction exceed the salary then in effect for district court judges as provided in section 27-05-03".

On page 2, line 14 of the engrossed bill, after the numerals

Senate Chamber
 Bismarck, North Dakota 58505
 Dear Mr. President

This is to inform you that on March 31, 1981, I signed the Senate Bill 2286.

Sincerely,
 ALLEN I. OLSON
 Governor

MOTIONS

Senator Nething moved that the House Concurrent Resolution No. 3005 be placed at the head of the calendar, which motion prevailed.

Senator Nething moved that the Senate reconsider the action whereby it passed House Concurrent Resolution No. 3005, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3005. — A concurrent resolution to create and enact a new section to the Constitution of the State of North Dakota, relating to special sessions of the legislative assembly; and to amend and reenact sections 23 and 41 of article IV and section 5 of article V of the Constitution of the State of North Dakota, relating to the maximum duration of legislative sessions, effective dates of legislative acts, and the powers of the governor.

STATEMENT OF INTENT

This amendment would allow the governor to limit the purpose and length of any special session of the legislature called by the governor. The legislative assembly would also be allowed to call itself into special session if requested in writing by two-thirds of the members of each house. Finally, the amendment specifies when a measure passed by the legislative assembly becomes law.

Which has been read. **ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes 2, nays 48, 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	•		GROTEBERG	•		NELSON	•		STREIBEL	•	
ALBERS	•		HANSON	•		NETHING	•		STROMME	•	
BAKEWELL	•		HOLMBERG	•		OLIN	•		TALLACKSON	•	
BARTH	•		ISZLER	•		PARKER	•		TENNEFOS	•	
BERUBE	•		LASHKOWITZ	•		PETERSON	•		THANE	•	
CHRISTENSEN, H. #5	•		LEE	•		QUAIL	•		TIERNEY	•	
CHRISTENSEN, R. #36	•		LEIBHAN	•		REDLIN	•		TWETEN	•	
CUSONS	•		LIPS	•		REITEN	•		VOSPER	•	
DOTZENROD	•		LODOEN	•		ROEHN	•		WALSH	•	
DYKSHOORN	•		WELAND	•		SHABLOW	•		WENSTROM	•	
ERICKSON	•		MOORE	•		SOLBERG	•		WRIGHT	•	
FRITZELL	•		MUTCH	•		SORUM	•		MR. PRESIDENT		
GOODMAN	•		NAADEN	•		STENEHJEM	•				

House Concurrent Resolution No. 3005 was declared lost.

REPORT OF PROCEDURAL COMMITTEES

Mr. PRESIDENT: Your Procedural Committee on Rules

has had under consideration the Senate and joint rules and recommends that the Senate adopt the following Senate and joint legislative rules; and that the Senate repeal subsection 5 of Senate Rule 314:

SECTION 1. Senate Rule 408 is hereby created and adopted to read as follows:

408. CONSTITUTIONAL AMENDMENTS - STATEMENT OF INTENT.

Every resolution proposing a change in the Constitution of North Dakota shall contain a statement setting forth in clear and precise language the legislative purpose and intent of the proposed change; the statement shall fairly represent the substance and effect of the proposed change.

SECTION 2. Joint Rule 305 and Joint Rule 901 are hereby created and adopted to read as follows:

305. JOINT STANDING COMMITTEE ON REAPPORTIONMENT.

A joint standing committee on reapportionment shall be created in any session during which the issue of legislative reapportionment must be addressed. The committee shall consist of twelve members with membership consisting of seven members from the House and five members from the Senate. Members shall be appointed by the Speaker of the House and the committee on committees of the Senate, with the first-named member in each house serving as co-chairman. All bills and resolutions relating to redistricting or reapportioning of legislative districts shall be referred to the joint standing committee on reapportionment. The joint standing committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter shall alternate between the cochairmen. Members of the joint standing committee shall be excused from attending a meeting of any other committee while they are attending a meeting of the joint standing committee. The joint standing committee shall issue joint reports on legislation referred to it, with the report being first presented to the house having possession of the bill, and later presented to the other house if appropriate.

901. SPECIAL SESSION LIMITATIONS.

1. The Legislative Assembly shall, during any special session called by the Governor pursuant to Article V, Section 5 of the Constitution, limit itself to consideration of the subjects listed in the text of the gubernatorial call.
2. The Governor, to avail himself of this rule, shall submit the text of his call for a special session to the chairman of the Legislative Council who shall file it with the Chief Clerk of the House and the Secretary of the Senate immediately after the convening of the special session.
3. The Governor may utilize the executive department bill introduction privilege authorized by Joint Rule 208 for prefiling and introduction of bills dealing with the subjects listed in his written call for a special session. The Legislative Council shall select the house of introduction of any bills introduced pursuant to this subsection.
4. Appropriate standing committees of either house may meet prior to the convening of the special session, and may hold hearings on the bill or bills prefiled pursuant to subsection 3.

SECTION 3. REPEAL. Subsection 5 of Senate Rule 314 is hereby repealed.


 _____ Chairman
 Senator Robert Melland

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

MESSAGE 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. 1230

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that the Senate stand in recess until 6:00 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 on which the Senate has adopted the conference committee report and subsequently passed:

House Bill No. 1001

House Bill No. 1008

House Bill No. 1028

House Bill No. 1036

House Bill No. 1049

House Bill No. 1605

House Bill No. 1653

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return House Bill No. 1040 which the Senate has adopted the conference committee report and subsequently divided the question on final passage, with all of House Bill No. 1040 passing except Section 5 of Senate engrossed House Bill No. 1040 which failed to pass.

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:

House Concurrent Resolution No. 3069

Senators:

Senator Wenstrom

Senator Melland

Senator Nelson

Very Respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2358

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return House Bill No. 1365 and to inform you that the Senate has reconsidered its action by which it passed House Bill No. 1365 and has now amended and passed the same.

Very respectfully,

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2010

Senate Bill No. 2011

Senate Bill No. 2347
Senate Bill No. 2432
Very respectfully,

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
House Chamber

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

Senate Bill No. 2024
Senate Bill No. 2026
Senate Concurrent Resolution No. 4088
Senate Concurrent Resolution No. 4090

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. 2010
Senate Bill No. 2011
Senate Bill No. 2204
Senate Bill No. 2347
Senate Bill No. 2358
Senate Bill No. 2432

Very respectfully,

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE
Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has reconsidered its action whereby it passed House Concurrent Resolution No. 3005 and now failed to pass House Concurrent Resolution No. 3005.
Very respectfully,

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. 1002
House Bill No. 1365
and subsequently passed the same.

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. 1092

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. President : Your Conference Committee to whom was referred Senate Bill No. 2160 has had the same under consideration and recommends:

that the House recede from its amendments and be amended as follows

On page 1 of the engrossed bill, line 1, after the word "Act", insert the following: "to create and enact a new section to chapter 20.1-03 and a new subsection to section 57-38-57 of the North Dakota Century Code, relating to liens on property of designated game and fish licensing agents and release of tax information; and"; delete the word "section" and insert in lieu thereof the word "sections"; and after the numerals "20.1-03-17", insert the following: "and 57-39.2-23"

On page 1 of the engrossed bill, line 4, after the word "department" insert the following: ", and release of tax information"

On page 1 of the engrossed bill, line 5, delete the word "emergency" and insert in lieu thereof the words "effective date"

On page 1, of the engrossed bill, line 17, after the period insert the words "A county auditor, who wishes to act as a license agent, shall be designated as an agent upon such terms and conditions as may be prescribed by the commissioner."

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

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

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

On page 2 of the engrossed bill, line 6, delete the words "Prior to the allocation of any"

On page 2 of the engrossed bill, delete lines 7 and 8

On page 2 of the engrossed bill, line 9, delete the words and period "for a minimum of five thousand dollars." and insert in lieu thereof the following: "Prior to the allocation of any stamps or licenses to a designated license agent, the commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of all the sold and unsold licenses and stamps, may require the agent to furnish written evidence of financial responsibility. The commissioner may enter into interagency agreements with the tax commissioner for obtaining written evidence of financial responsibility of the agents common to both commissioners."

On page 2 of the engrossed bill, after line 25, insert the following four sections:

"SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

LIEN OF LICENSE AMOUNTS - COLLECTION - ACTION AUTHORIZED.

1. Whenever any designated agent liable for dispensed licenses and stamps refuses or neglects to pay the same, the amount payable for sold and unsold licenses and stamps, including any interest, penalty, or addition to such amount, together with the costs that may accrue in addition thereto after one hundred twenty days, shall be a lien in favor of the state of North Dakota upon all property and rights to property, whether real or personal, belonging to said agent, and in the case of

JOURNAL OF THE SENATE

property in which a deceased agent held an interest as joint tenant or otherwise with right of survivorship at the time of his death, the lien shall continue as a lien against the property in the hands of the survivor or survivors to the extent of the deceased agent's interest therein, which interest shall be determined by dividing the value of the entire property at the time of the agent's death by the number of joint tenants or persons interested therein.

2. The lien aforesaid shall attach at the time the amount payable for sold and unsold licenses and stamps becomes due and payable and shall continue until the liability for such amount is satisfied; for the purposes of this provision the words "due" and "due and payable" shall mean the first instant at which the amount becomes due.
3. In order to preserve the aforesaid lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property situated in a county, the commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien.
4. The register of deeds of each county shall prepare and keep in his office a book, so ruled as to show in appropriate columns all of the following data, under the names of designated agents, arranged alphabetically:
 - a. The name of the agent.
 - b. The name "State of North Dakota" as claimant.
 - c. Time notice of lien was received.
 - d. Date of notice.
 - e. Amount of lien when due.
 - f. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour, and minute when received and preserve the same, and forthwith shall index said notice in said index book and the said lien shall be effective from the time of the indexing thereof.

5. The commissioner shall be exempt from the payment of the filing fees as otherwise provided by law for the filing of such lien, or for the satisfaction thereof.
6. Upon the payment of an amount as to which the commissioner has filed notice with the register of deeds, the commissioner forthwith shall file with said register of deeds a satisfaction of said claim and the register of deeds shall enter the satisfaction on the notice on file in his office and indicate that fact on the index aforesaid.
7. The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, as the facts may justify, without bond, to enforce payment of any amounts payable for sold and unsold licenses and stamps, and any interest and penalties, or to foreclose the

lien therefor in the manner provided for mortgages on real or personal property, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending.

8. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.
9. The technical, legal requirements outlined in this section relating to liens on all real and personal property of the agent to ensure payment of the amounts due, including penalties, interest and other costs, are self-explanatory.

SECTION 3. AMENDMENT. Section 57-39.2-23 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-23. INFORMATION DEEMED CONFIDENTIAL. It shall be unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge, or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, and at his discretion furnish to the game and fish commissioner, the tax officials of another state, the multistate tax commission, the District of Columbia, the United States and its territories, any information contained in the tax returns and reports and related schedules and documents filed pursuant to this chapter, and in the report of an audit or investigation made with respect thereto, provided only, except with respect to the game and fish commissioner, that said information be furnished solely for tax purposes; and the multistate tax commission may make said information available to the tax officials of any other state, the District of Columbia, the United States and its territories for tax purposes.

The commissioner is hereby authorized to furnish to the workmen's compensation bureau or to the unemployment compensation division of the employment security bureau upon request of either a list or lists of holders of permits issued pursuant to the provisions of this chapter or chapter 57-40.2, together with the addresses and tax department file identification numbers of such permit holders, provided that any such list shall be used by the bureau to which it is furnished only for the purpose of administering the duties of such bureau. The commissioner, or any person having an administrative duty under this chapter, is hereby authorized to announce that a permit has been revoked.

SECTION 4. A new subsection to section 57-38-57 of the 1979 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The tax commissioner is hereby authorized to furnish to the game and fish commissioner upon request an abstract or copy of the return of

TUESDAY, MARCH 31, 1981

2015

MESSAGE FROM THE HOUSE
House Chambers

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. 1002, and now has concurred in the Senate amendment to House Bill No. 1002, and has discharged the conference committee on the same, and subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

MOTION

Senator Lips moved that the conference committee on House Bill No. 1002 be dissolved, which motion prevailed.

MESSAGE 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. 2160

Very respectfully,

LEO LEIDHOLM, Secretary

Report of Conference Committees

Mr. President: Your Conference Committee to whom was referred House Bill No. 1092 has had the same under consideration and recommends:

That the Senate recede from its amendments as found on pages 1787 through 1789 of the Senate Journal and that HB 1092 as reengrossed by the Senate be further amended as follows:

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

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

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

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

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

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

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

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

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

"15-40.1-16. AID FOR TRANSPORTATION. There shall be paid from the county equalization fund and from state funds to each school district providing school bus transportation in contract school buses or in district-owned and operated school buses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city the following amounts:

1. For school buses transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to twenty thirty-four cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and thirty-eight cents during the second year of the 1981-83 biennium for school buses having a capacity of sixteen or fewer pupils and forty sixty-eight cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and seventy-six cents per mile the second year of the 1981-83 biennium for school buses having a capacity of seventeen or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of seventeen or more pupils shall be entitled to an amount equal to fifteen nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses, ~~provided that no such payment shall be made for any pupil who lives within the incorporated limits of a city with a population in excess of two hundred fifty and an area in excess of two square miles (518,000 hectares) in which the school in which he is enrolled is located except as provided in section 15-40.1-16.1.~~
2. For pupils who ride school buses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1 of this section.

The mileage payments provided for in this section shall be made to each school district for transporting pupils

to and from school. Such payments shall be made only to school districts operating school buses in accordance with the laws of this state relating to standards for school buses, and to the qualifications of school bus drivers. Certification as to the compliance with the laws of this state in regard to school buses and their

drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section."

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

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

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

~~15-44-03. CERTIFICATE BY DEPARTMENT OF ACCOUNTS AND PURCHASES - APPORTIONMENT BY SUPERINTENDENT OF PUBLIC INSTRUCTION - WARRANT - NOTICE TO COUNTY TREASURERS PAYMENT. The department of accounts and purchases on or before the third Monday in February, May April, August, October, and November December in each year, shall certify to the superintendent of public instruction the amount of the state tuition fund. The superintendent shall apportion such fund immediately among the several counties school districts of the state in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law, and shall certify to the department of accounts and purchases, and state treasurer, and to the county treasurer and county superintendent of schools of each county, the amount apportioned to the respective counties school districts. Immediately upon receipt of the apportionment from the superintendent of public instruction, the department of accounts and purchases shall prepare and issue a warrant, signed by the state auditor, upon the state treasurer for the full amount of the state tuition fund apportioned to the several counties and shall deliver the same to the state treasurer, taking his receipt therefor. The department of accounts and purchases shall notify the several county treasurers of the amount due their respective counties and that the warrant has been issued therefor. The state treasurer, upon such warrant, shall pay the amount due the several counties to the respective county treasurers pay each school district the amount to which it is entitled from the state tuition fund and such payments shall be combined with and paid at the same time as per-pupil payments pursuant to section 15-40.1-05.~~

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

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

SECTION 7. LIMIT ON DISTRIBUTION OF OIL AND GAS BONUS MONEYS. Notwithstanding the provisions of section 15-08-01.1 and subdivision c of subsection 3 of section 15-40.1-06, no more than \$16,000,000 of oil and gas bonus payments on common school lands shall be apportioned and distributed during the biennium beginning July 1, 1981, and ending June 30, 1983, and the remainder, if any, shall be deposited in the common school trust fund created by section 1 of article IX of the Constitution.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE
House Chamber

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

House Bill No. 1565

and subsequently passed the same.

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. 1058

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

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

red HOUSE Bill No. 1058 has had the same under

consideration and recommends:

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

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

On page 4 of the engrossed bill, line 8, delete the comma and insert in lieu thereof a period

On page 4 of the engrossed bill, after line 15, insert the following new subdivision:
"c. Covered expenses shall also include, at the option of the eligible person, the usual and customary charges for professional services rendered by a chiropractor and for services and articles prescribed by a chiropractor for which an additional premium may be charged."

On page 4 of the engrossed bill, line 16, delete the letter "c" and insert in lieu thereof the letter "d"

On page 5 of the engrossed bill, line 21, after the second comma insert the word and comma "chiropractor,"

On page 8 of the engrossed bill, after line 6, insert the following new subdivision:
"c. Covered expenses shall also include, at the option of the eligible person, the usual and customary charges for professional services rendered by a chiropractor and for services and articles prescribed by a chiropractor for which an additional premium may be charged."

On page 8 of the engrossed bill, line 7, delete the letter "c" and insert in lieu thereof the letter "d"

On page 9 of the engrossed bill, line 1, after the second comma insert the word and comma "chiropractor,"

On page 11 of the engrossed bill, line 6, delete the words "Each board member shall be entitled to" and insert in lieu thereof the following: "Each board member shall be entitled to votes, in person or by proxy, based on the member's annual premium volume of accident and sickness insurance contracts as determined in subsection 1, in accordance with the following schedule:

\$100,000	- 4,999,999	1 vote
\$5,000,000	- 9,999,999	2 votes
\$10,000,000	- 14,999,999	3 votes
\$15,000,000	or more	4 votes"

On page 11 of the engrossed bill, line 7, delete the following: "one vote, in person or by proxy."

On page 11 of the engrossed bill, line 25, delete the word "of" and insert in lieu thereof the following: "for writing accident and sickness insurance policies as defined in this Act"

On page 11 of the engrossed bill, line 26, delete the words "doing business"

On page 13 of the engrossed bill, line 34; delete the words "The lead carrier shall" and insert in lieu thereof the following: "The board of the directors of the association shall prepare appropriate specifications and bid forms and may solicit bids from the members of the association for the purpose of selecting the lead carrier. The selection of the lead carrier shall be based upon criteria established by the board of directors."

On page 13 of the engrossed bill, delete line 35

On page 14 of the engrossed bill, delete lines 1 through 4

On page 14 of the engrossed bill, line 6, after the word "section" insert the words "upon the commissioner's approval of the policy forms and contracts submitted"

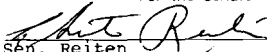
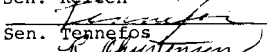
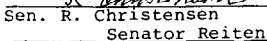
On page 14 of the engrossed bill, line 20, after the word "period" insert the comma and words ", or if a request to terminate is approved on or before the end of the three-year period"


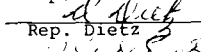

On page 14 of the engrossed bill, delete lines 21 through 27

On page 15 of the engrossed bill, line 24, after the period insert the following: "Direct and indirect expenses shall not include costs directly related to the original submission of policy forms prior to selection as the lead carrier."

On page 16 of the engrossed bill, line 32, after the period insert the following new sentence: "However, this subsection does not apply to a person who has had continuous coverage under a family or group accident and sickness insurance policy during the year immediately preceding the filing of an application."

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

For the Senate

 Sen. Reiten

 Sen. Tennesos

 Sen. R. Christensen

For the House

 Rep. Beltier

 Rep. Dietz

 Rep. Dotzenrod

Senator Reiten moved that the report be adopted, which motion

prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Reiten moved that the rules be suspended, that House Bill No. 1058 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1058. — A Bill for an Act to establish an intercarrier health insurance pool through an association of insurers, to designate a lead carrier to administer the plan of coverage, and to authorize the state insurance commissioner to act as the regulatory authority; 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 48, nays 0, absent and not voting 2.

REGULAR SESSION			NORTH DAKOTA SENATE						1981 LEGISLATURE		
YEAS	N-V	NAYS	ROLL-CALL						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. #5			• LEE			• QUAIL			• TIERNEY		
• CHRISTENSEN, R. #36			• LEIBHAN			• REDLIN			• TWETEN		
• CUSONS			• LIPS			• REITEN			• WOLSPER		
• DOTZENROD			• LODOEN			• ROEN			• WALSH		
• DYKSHOORN			• MELLAND			• SHABLOW			• WENSTROM		
• ERICKSON			• MOORE			• SOLBERG			• WRIGHT		
• FRITZELL			• HUTCH			• SORUM			• MR. PRESIDENT		
• GOODMAN			• NAADEN			• STENEHJEM					

So the bill passed and the title was agreed to.

Mr. PRESIDENT: Your Conference Committee to whom was referred HOUSE Bill No. 1230 has had the same under consideration and recommends:

That the House accedes to the Senate amendments.

For the Senate

 Sen. Tennesos

 Sen. Quail

 Sen. Grotberg

 Sen. Tennesos

For the House

 Rep. Wentz

 Rep. Berger

 Rep. Berger

_____ moved that the report be adopted, which motion

prevailed.

HOUSE Bill No. 1230 was placed on the 7th

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

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Delayed Bills

has reviewed a resolution expressing the congratulations and appreciation of the North Dakota Senate to native son, Dale Brown, for his outstanding personal character, his achievements as basketball coach of Louisiana State University, and the credit he has brought

to his home state of North Dakota, and has approved its introduction by a unanimous vote.


 Senator Cussons, Chairman

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

FIRST READING OF SENATE RESOLUTIONS

Senators H. Christensen, Redlin, Reiten, Walsh introduced:

Senate Resolution No. 2. — A resolution expressing the congratulations and appreciation of the North Dakota Senate to native son, Dale Brown, for his outstanding personal character, his achievements as basketball coach of Louisiana State University, and the credit he has brought to his home state of North Dakota.

Senator H. Christensen moved that the rules be suspended, that Senate Resolution No. 2 not be printed, not be referred to a committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Resolution No. 2

Introduced by

Senators H. Christensen, Redlin, Reiten, Walsh

(Approved by the Committee on Delayed Bills)

A resolution expressing the congratulations and appreciation of the North Dakota Senate to native son, Dale Brown, for his outstanding personal character, his achievements as basketball coach of Louisiana State University, and the credit he has brought to his home state of North Dakota.

WHEREAS, Dale Brown was born in Minot, North Dakota, was an all-state basketball player, and led all Class "A" scorers in his senior year at St. Leo's High School; and

WHEREAS, Dale Brown graduated from Minot State College with academic honors and achieved the distinction of being the only athlete at Minot State College to earn 12 letters in varsity sports; and

WHEREAS, Dale Brown was selected head basketball coach at Louisiana State University and is now the winningest coach in the history of LSU basketball; and

WHEREAS, Dale Brown has recently led his team to the "Final 4" of the 1981 National Collegiate Athletic Association Basketball Tournament and has been named 1981 NCAA Basketball "Coach of the Year"; and

WHEREAS, Dale Brown is also active as an outstanding public speaker, both here and abroad, and has motivated young and old alike;

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

That the North Dakota Senate publicly expresses, by adoption of this resolution, its congratulations and appreciation to native son, Dale Brown, for his outstanding personal character, his achievements as basketball coach of Louisiana State University, and the credit he has brought to his home state of North Dakota; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to Dale Brown, Reuben Hammond, Minot, North Dakota, and the presidents of Louisiana State University and Minot State College.

SECOND READING OF SENATE RESOLUTIONS

Senate Resolution No. 2. — A resolution expressing the congratulations and appreciation of the North Dakota Senate to native son, Dale Brown, for his outstanding personal character, his achievements as basketball coach of Louisiana State University, and the credit he has brought to his home state of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution, Senate Resolution No. 2 was adopted on a voice vote.

MOTION

Senator Nething moved that the Comprehensive Legislative Program for the Developmentally Disabled report and the Report to the Congress be printed in the Journal, which motion prevailed.

A COMPREHENSIVE LEGISLATIVE PROGRAM

FOR THE

DEVELOPMENTALLY DISABLED

The 47th Legislative Assembly
House Majority Leader Earl Strinden
Senate Majority Leader David Nething

Drafting Assistance by:
Jim Wold and Tom Kelsch,
Legislative Interns

March 31, 1981

March 31, 1981

A COMPREHENSIVE PLAN FOR THE DEVELOPMENTALLY
DISABLED LEGISLATED BY THE 47th LEGISLATIVE ASSEMBLY

A fragmentation of services for the developmentally disabled has long plagued the Legislature and the Executive Branch in their attempt to pinpoint responsibility, evaluate performance and prioritize programs to fit the need of the citizens of North Dakota. Such fragmentation, together with other factors contributing to problems common to many states, was also identified in a report to Congress by the Comptroller General, dated January 7, 1977 (Addendum 1). For purposes of this plan, the distinction is made between the mentally retarded and the mentally ill. This plan addresses the mentally retarded as being included in the definition of developmentally disabled.

The Developmental Disabilities Assistance and Bill of Rights Act, P.L. 95-602, declares that it is in the national interest to strengthen such programs that will reduce or eliminate the need for institutional care for persons with developmental disabilities. Section 111 also declares that persons with developmental disabilities have a right to appropriate treatment services and habilitation for such disabilities. It is the intent of the 47th Legislative Assembly that institutionalization should be prevented to the maximum extent possible through the development of infant and family support programs. It is intended that a family having a developmentally disabled child be supported rather than supplanted in servicing handicapped persons. This will be accomplished through early intervention by screening, evaluation and an infant development program. The family will be supported in maintaining their child(ren) in the home. This policy is reflected in the funding of family subsidies and respite care services. In general, concerning noninstitutionalized individuals, we believe it is desirable to utilize means which are culturally as normal as possible in order to establish and/or maintain personal behaviors and characteristics. This goal will let those developmentally disabled individuals live in society as close to the normal mainstream as possible.

The 47th Legislative Assembly has determined that the best interests of all the citizens of North Dakota can be best served by a legislative comprehensive program for the developmentally disabled. The North Dakota Legislature is aware of mistakes made by other states in moving too fast without having the proper support services in the communities. It is the intent of the Legislature, therefore, to develop

a balanced program between institutionalization and deinstitutionalization.

The North Dakota Legislature has as its highest priority a concern for the welfare of the individuals involved. It is hereby agreed that Grafton State School and San Haven will work toward adjusting their combined institution populations to conform to the national average that exists in 1987. However, in the process of reaching this goal care must be taken to insure the welfare of each resident. It is recognized, for example, that to put too much pressure on individuals to try to force them to attain what they may not be able to attain can in itself be cruel and unusual punishment. There is also the consideration expressed in an article in the April 1979 issue of the Stanford Law Review by parents who approve of:

"the institutionalization of their children and who oppose anti-institutionalization litigation. In our experience such feelings arise not from satisfaction with the institution but rather from legitimate anxiety about (1) the possibility of creating a secure and permanent community care system; (2) the need for advocacy, monitoring, and possible guardianship to protect their children's rights once the parents are gone; (3) distrust of state government services; and (4) hostility of communities to taking back their retarded citizens. The wish of virtually all parents of the retarded is not for incarceration in a stunting institution but rather for a full life in open communities, 'if it is possible'."

Residential facilities such as Grafton and San Haven should be perceived as an option in the providing of services for mentally retarded in the State of North Dakota. These remodeled facilities are necessary, particularly to provide specialized services for the profoundly retarded and the severely retarded with multiple handicaps. Through certain evaluation programs, Grafton can also serve as a "backup" service for parents and community programs. Were we to eliminate the facilities at Grafton and San Haven, we would provide a severe hardship not only on the families that have offspring at these institutions but on community services that cannot accommodate people with the overwhelming handicaps in the existing service delivery system. Residents with these handicaps need specialized services in terms of medical care, dental care, educational training, specialized physical and occupational therapy, etc. Thus we do expect that there will be a need for a state institution to serve those individuals who will not or cannot adapt to a community setting, in order to provide those specialized services which can only be provided in an institutional setting.

The 46th Legislative Assembly in the 1979 Legislative Session passed HCR 3061 directing the Legislative Council to study deinstitutionalization programs for residents of the State Hospital, Grafton School and San Haven. As a result of this study, recommendations were developed under the auspices of the Budget B Committee relative to providing for community services for the developmentally disabled and mentally ill persons. The recommendation proposes Title XIX eligible services for 200 developmentally disabled persons in the community at a cost of \$9.6 million, and services for 192 developmentally disabled persons in non-Title XIX eligible program at a cost of \$3.6 million (Addendum 2). A proposed schedule showing the location, number of beds, and facilities included under the plan to be implemented during the 1981-1983 biennium is shown at Addendum 3. For a number of years the Director of Institutions, in cooperation with local non-profit private corporations, has worked to reduce the Grafton State School population by placing mentally retarded in community settings. Now the 47th Legislature for the first time has addressed a statewide program of deinstitutionalization based on recommendations of the Budget

B Committee. These have been enacted into law, thus formalizing a state plan for deinstitutionalization.

The long-standing problem of fragmentation of services (Addendum 4) is addressed by the passage of House Bill 1418 which establishes a Department of Human Services (Addendum 5). This major governmental reorganization is one of the cornerstones for a comprehensive program to meet the needs of the developmentally disabled and to facilitate a deinstitutionalization program by providing necessary resource personnel to serve the community group homes. The legislative intent is clearly spelled out in this measure:

"The Executive Director of the Department of Human Services shall be responsible for consulting with and maintaining a close working relationship with the Department of Health, the Director of Institutions and the Superintendent of Grafton State School, the School for the Deaf and the School for the Blind, to develop programs for developmentally disabled persons and with the Superintendent of Public Instruction to maximize the use of resource persons in Regional Human Service Centers in the provision of special education services".

The Department of Human Services has a responsibility to assist in the development of the state plan for developmental disabilities and in monitoring and evaluating the implementation of the state plan. The Department of Human Services, through its Division of Developmental Disabilities, will develop with Grafton State School an agreement governing the process for admittance and discharge from the institution.

The 47th Legislative Assembly has taken additional positive steps to clarify pertinent laws, to establish a bill of rights and to monitor the initial phases of deinstitutionalization and community service programs for the developmentally disabled. The Legislative Council has been directed to study guardianship and conservatorship laws and commitment procedures (HCR 3058); to monitor deinstitutionalization and community service programs (HCR 3047); to monitor establishment of intermediate care facilities-services (HCR 3003); and to report its findings, recommendations and any proposed legislation to the 48th Legislative Assembly. State agencies, institutions and service providers on the community level, by HCR 3002, have been encouraged to implement a plan for community services during the 1981-1983 biennium, and levels of appropriation have been recommended in accordance with the Legislative Council project designed to provide services during the 1981-1983 biennium. Finally, the backdrop against which all actions will be viewed is found in Senate Bill 2253 which specifies certain rights to which developmentally disabled persons are entitled.

Grafton State School has had a program for deinstitutionalization since 1966 when two staff members were hired under a federal grant. As a result of these efforts, the resident population was reduced to an all time low of approximately 794 in early 1980 (see Addendum 6 for 10 year population reduction). At one time there was a waiting list of approximately 200 potential residents. Today there is no waiting list. Ten years ago approximately 50 residents a year were admitted to Grafton. This has now declined to about 10 admissions a year. As the trend for deinstitutionalization continues, the resident population at Grafton will continue to decline. The Legislature is striving to bring this number down to be at or below the national average by 1987 in an orderly and responsible manner, yet in a way which is also responsive to the needs of these residents.

It is our intent to provide an appropriate review process for the deinstitutionalization of those with developmental disabilities. This review process will include, but not be limited to, the following service systems:

1. Habilitation System - activities aimed at training to reduce, insofar as possible, effects of handicap and condition in terms of ability to function independently.

To accomplish this, consideration must be given to vocational evaluation, day activity center, work activity center, vocational development program, as well as extended employment. Consideration must also be given to residential services needs which will include intermediate care facilities for the mentally retarded or persons with related conditions, community living facility, adult group home placement, minimally supervised living arrangement, boarding care - educational placement, supported living arrangement, special home placement for child maintenance, child group home, and adult family care.

2. Prevention System - Consideration of infant development, pre-school-special needs, screening, evaluation, and prevention.
3. Support System: Consideration to recreation centers, case management, staff training, respite care, family subsidy, crisis intervention, emergency service, pertinent evaluations, assistance with social services problems, health services, legal services, and protective services.

The review will include a prioritization of these programs with the priorities based on the guidelines and criteria of availability of services, accessibility of services, acceptability of these services, the cost of them, the continuity of them and also the quality of the services offered.

Any recommendations made will be classified according to those items which are essential, those of a secondary nature which are important, and those of a third nature which are desirable but perhaps do not rank as high as the other two.

Finally in accordance with Section 110 of the PL 95-602, North Dakota has developed a Comprehensive Evaluation System Plan to assure the quality of services to be provided for the developmentally disabled. The evaluation system shall ...

- ... provide objective measures of the developmental process of persons served under this title using data obtained from individualized habilitation plans or other comparable individualized data;
- ... provide a method of evaluating programs providing services for persons with developmental disabilities through funds from this title using data which measures the developmental progress of persons served;
- ... provide effective measures to protect the confidentiality of records of, and information describing persons with developmental disabilities.

The Comprehensive Evaluation System for North Dakota, as it develops and matures, will provide data for service systems design and management to better serve the developmentally disabled population.

Some time will be required to evaluate the success of the deinstitutionalization program. We recognize a need to phase in added personnel and make capital improvements in order to allow for proper

training and utilization of facilities. A crash program, however, could be counter productive and harmful to the residents of Grafton and San Haven, and wasteful of the state's resources. Even the Pennhurst decision (Halderman v. Pennhurst State School & Hospital, 612 F 2d 84 (3rd Circ. 1979)) declined to set a timetable or an inviolate structure for the deinstitutionalization order. We do not, for example, want to build additional facilities which will not be needed in a few years. We want to achieve a responsible and reasonable balance between community group home programming and institutional care. The best interest of the individuals concerned will be the primary consideration.

The 47th Legislative Assembly has given a high priority to increasing the number of personnel and addressing the physical plant requirements at the institutions. Addendum 7 shows current positions and future requests at Grafton. Addendum 8 shows budget and personnel data from 1971 through 1983 projections for Grafton and San Haven. Capital improvements planned at the various institutions during the 1981-1983 biennium are shown in Addendum 9.

In the area of Special Education, the Legislative Assembly has adopted a statement of legislative intent to define more clearly the relationship between the state, school districts, and parents of handicapped children in the provision of special education and related services (addendum 10). Funding in the amount of \$19,588,128 has been tentatively approved for the 1981-1983 biennium, an increase of 53.5% over current appropriations.

The 47th Legislative Assembly views the collective actions which have been taken during this session, and those actions which will be taken during the 1981-1983 biennium as responsible and as the first major steps in meeting the needs of the developmentally disabled of the State of North Dakota. We do not consider our work to be finished, and we will in future sessions continue to work to make our program one of the best in the nation.

REPORT TO THE CONGRESS

*BY THE COMPTROLLER GENERAL
OF THE UNITED STATES*



Summary Of A Report--
Returning The Mentally
Disabled To The Community:
Government Needs To Do More
Department of Health, Education, and Welfare
and Other Federal Agencies

Care and treatment of mentally disabled persons in communities can be an effective alternative to institutional care. However, many mentally disabled persons have been released from institutions before sufficient community facilities and services were available and without adequate planning and followup. Others enter, remain in, or reenter institutions unnecessarily.

The Congress and the Office of Management and Budget can help solve some of these problems by

- giving Federal agencies a clear mandate to devote resources to this problem,
- defining more clearly the appropriate roles, responsibilities, and actions for Federal agencies, and
- changing aspects of Federal programs that hinder or discourage the appropriate placement of mentally disabled persons.

HRD-76-152A

JAN. 7.1977

INTRODUCTION

Until the 1960s, mentally disabled persons who could not afford private care had to rely primarily on public institutions for their care. Conditions in these institutions generally were harsh. Treatment programs were limited; living quarters were crowded; few recreational or social activities were available; and individual privacy was lacking. In general, the institutions served as custodial settings, often with unpleasant conditions, and many people remained institutionalized for years.

In 1963, the Federal Government embarked on a bold approach to improve the care and treatment of the mentally retarded and mentally ill. A series of programs was begun to stimulate and support an array of community services as alternatives to institutional care which enable mentally disabled 1/ persons to remain in or return to their communities and to be as independent as possible.

This approach has been termed "deinstitutionalization"--the process of (1) preventing unnecessary admission to and retention in institutions, (2) finding and developing appropriate alternatives in the community for housing, treatment, training, education, and rehabilitation of the mentally disabled who do not need to be in institutions, and (3) improving conditions, care, and treatment for those who need institutional care. This approach is based on the principle that mentally disabled persons are entitled to live in the least restrictive environment necessary and lead as normal and independent a life as possible.

The Federal role in mental health has grown substantially since 1963. The amount and types of financial assistance the Federal Government provides, and the requirements, standards, and restrictions imposed, as well as the policies of Federal agencies, have significantly influenced

both the progress made and problems encountered by the States in their deinstitutionalization efforts.

1/The term "mentally disabled" is used throughout this report when referring to both the mentally ill and mentally retarded. Our review did not include persons determined to be criminally insane.

At least 135 Federal programs, operated by 11 major departments and agencies, have either a direct or indirect impact on the mentally disabled. An estimated 89 are operated by the Department of Health, Education, and Welfare (HEW). Almost every component agency within HEW has programs which affect the mentally disabled. Other Federal agencies include ACTION and the Departments of Labor, Justice, and Housing and Urban Development (HUD).

During fiscal year 1974, the average annual cost of caring for a person in a public mental hospital or a public institution for the retarded was estimated at \$11,250 and \$9,500, respectively.

We did not compare the cost of institutional care with community-based care. The goal of deinstitutionalization was mandated by the executive, legislative, and judicial branches of the Government because community-based care was believed to be more humane and because people have a legal right to live in the least restrictive environment consistent with their needs. The relative costs of the two types of care were not specified as criteria for determining the more desirable. Costs are important, however, for program planning, management, financing, and evaluation.

WHAT HAS HAPPENED TO THE PEOPLE

Many mentally disabled persons released from institutions have been placed in decent housing in clean, safe neighborhoods with structured in-house activities and outside programs, including work, education, day activity centers, and recreational programs. Some have become less dependent on public support or others for financial and daily living needs and have learned to live normal or nearly normal lives.

However, many other mentally disabled persons enter, re-enter, or remain in public institutions when they could be treated in the community. Others have been placed in crowded, substandard facilities in unsafe neighborhoods, facilities inappropriate to their needs, or facilities without provision for needed services or the assurance that the mentally disabled received needed services.

Reduction in institutional populations

The resident population of public mental hospitals nationwide has steadily declined since reaching a peak of 559,000 in 1955. In 1963, when the President stated that it would be possible to reduce the population of public mental hospitals by 50 percent or more within a decade or

two, about 504,600 were in such facilities. By June 30, 1974, the resident population of such facilities had been reduced by 57 percent to 215,500. The inpatient mental hospital population in the 5 States we reviewed decreased from 53,460 in 1963 to 18,860 in 1974, or by 65 percent.

The resident population of the Nation's public institutions for the mentally retarded has also declined, but not at the same pace as for the mentally ill. In 1963, there were about 176,500 persons in the Nation's public institutions for the retarded, and the resident population increased to a peak of 193,200 in 1967. By 1971, when the President established the national goal to reduce this residential population by one-third, the resident population was about 181,000.

As of January 1975 there were an estimated 168,300 persons in public institutions for the retarded. Therefore, between 1971 and January 1975, the resident population in such facilities declined by an estimated 7.5 percent.

The resident populations of the public institutions for the retarded in the States we reviewed decreased from 27,620 in 1963 to 25,755 in 1971 and to 19,220 in 1974--a decline of about 25 percent between 1971 and 1974 and of about 30 percent between 1963 and 1974.

Extensive use of nursing homes

Many persons have been released from mental hospitals and institutions for the retarded and placed in nursing homes. 1/

1/Nursing homes generally refer to skilled nursing facilities (SNFs) and intermediate care facilities (ICFs), but also include rest homes and homes for the aged.

Many of these facilities were not staffed or prepared to handle the developmental or psychiatric needs of the mentally disabled. Some did not meet safety or patient care standards. However, these facilities were frequently the only alternatives to continued inpatient or residential care in a public institution. Some were so large that persons were, in effect, moved from one institutional setting to another.

For example, in June 1975 Massachusetts decertified from the Medicaid program or issued warnings to 60, or about 10 percent, of the State's ICFs. These homes failed to comply with the Life Safety Code or with minimum standards of patient care. In response to a questionnaire we sent to these homes, 31 said an average of 28 percent of their bed capacity was occupied by persons who were formerly in State institutions; 9 said they had no mentally disabled residents; 6 said they were out of business. Persons released from State mental hospitals and institutions for the retarded occupied 51 to 100 percent of the bed capacity in eight of the facilities.

Placement in group homes, foster care homes, and other residential facilities

Many mentally disabled persons have been released from institutions and placed in group homes, foster care homes, half-way houses, room and board facilities, and "welfare" hotels. Although many were placed in decent settings and provided with needed services, others were put in overcrowded, substandard facilities without provision for needed services. The only service being provided to many mentally ill persons released to the community was medication.

For example, we visited 13 community residences in Detroit, operated under the supervision of the Michigan Department of Social Services, where many mentally disabled persons had been placed from State institutions. State officials informed us that most of the residents of these homes received Supplemental Security Income. Eight homes were clean and appeared to have adequate living conditions. Residents in five of the homes did not appear to be receiving any services. In several instances programing was limited to such activities as sitting or watching television.

In four homes, floors, walls, and ceilings were extremely dirty, bed linens were ragged and soiled, and shower and toilet facilities were dirty and in disrepair. Many foster care homes serving the mentally disabled were in inner-city areas with high crime rates, abandoned buildings, substandard housing, poor economic conditions, and little or no recreational opportunities.

In contrast, the 10 community residences we visited in Detroit operated under contract with the Department of Mental Health generally were nicely decorated, clean, and well maintained. The clients in these homes generally received in-house programing and activities and frequently used community services, such as schools.

Use of public institutions by persons
who could be treated in communities

Despite both decreased resident populations and admissions at public institutions, many persons who could be treated in communities enter, reenter, or remain in such facilities. For example:

- A study completed in 1974 showed that nearly 1,200 mentally retarded persons in 2 of Oregon's 3 institutions could be placed in the community if adequate community facilities and services were available. For example, the study showed that at 1 institution, 223 persons could be placed within 1 year and 714 after 1 year. Group homes and nursing homes with ties to activity centers, sheltered workshops, and competitive employment were said to be needed.
- There were about 10,785 admissions to Massachusetts' mental hospitals in 1974, compared to 12,306 in 1963. A 1973 study sponsored by the State Department of Mental Health showed that between 50 and 75 percent of the admissions to the State's mental hospitals could be avoided if adequate community services were available. The Department's commissioner concurred

by saying that about two-thirds of State mental hospital admissions could be eliminated if comprehensive services, such as 24-hour crisis intervention, were available. Patients remained in the mental hospital we visited because of the lack of suitable housing. One patient, for instance, was ready to leave in July 1974, but had to remain an additional 8 months because there was no available space in a half-way house.

--In a 1974 survey, 135 superintendents of public residential facilities for the mentally retarded reported that 28 percent of their admissions in fiscal year 1974 were readmissions, primarily attributable to the lack of community facilities and services.

Factors contributing to problems in States

Many factors have contributed to the deinstitutionalization problem. We issued reports to HEW on each of the States we reviewed, detailing the problems those States had. The problems included:

- Fragmented and unclear responsibility for the mentally disabled in communities.
- Lack of full and well-coordinated support from many State and local agencies administering programs that serve or can serve the mentally disabled.
- Difficulties in financing deinstitutionalization and lack of, or lack of access to, appropriate facilities and services in communities.
- Inadequate handling of individual transitions to the community, including the need for better release planning and followup.
- Lack of a planned, coordinated, and systematic approach to deinstitutionalization by Federal agencies.

ESTIMATED COSTS OF THE COMMUNITY ALTERNATIVE FOR DEVELOPMENTALLY DISABLED PERSONS 1981-83 BIENNium

	Source of Funds	Number of Beds	Description	Total	Funding Federal	State
Community facilities (Intermediate care facilities for developmentally disabled persons)	Title XIX	200 ¹	Independent living training Pre-vocational development program Psychological services Occupational and physical therapy Speech, language, and hearing services Mental illness treatment Behavioral therapy Average cost--\$56.78 day	\$ 8,289,804	\$5,222,577	\$3,067,227
Medical services	Title XIX		Hospital, physician, drugs, etc.	288,000	181,440	106,560
Case management	Title XIX		Four case managers at local level	205,852	129,687	76,165
Social Service Board	Title XIX		MMIS modification Medical staff — 3.5 FTE Auditor — 1 FTE	206,994	130,406	76,588
Health Department	Title XIX		Facility licensure, case management Training, accounting — 6 FTE Computer program for evaluation	580,817	365,915	214,902
Subtotal		200		\$ 9,571,467	\$6,030,525	\$3,541,442
Transitional VR living and residential training		150	Transitional living and maintenance; participate in vocational development program	\$ 2,123,808	\$ 481,289	\$1,642,519

Social Service Board	Title XX	18	Adult group homes	447,603	191,842	255,76
Health Department	General fund	24	Non-Title XIX eligible group homes — providing self-help skills including day work activity, extended employment	1,105,680		1,105,68
Total	Non-Title XIX	192		\$ 3,677,091	\$ 673,131	\$3,003.96
Grand Total		392		\$13,248,558	\$6,703.656	\$6,545.40

Of these 200 beds, 100 beds are currently in the communities which will be converted to ICF-DD beds and 100 beds will be new ICF-DD beds of which 16 will be for the mentally ill. The assumptions used in calculating the funding needed for the 200 Title XIX eligible beds are as follows:

1. All events begin July 1, 1981.
2. Title XIX is matched at the state level only. The ratio used is 63:37. Actual ratios will vary depending on the activity.
3. New construction is based on \$25,000 per bed financed at a nine percent interest rate. Estimated financed amount on construction is \$3.76 million.

Under this plan for community services, 100 beds currently in the community will be converted to intermediate care facilities — developmentally disabled beds and 100 new intermediate care facilities — developmentally disabled beds will be developed of which 16 will be for the mentally ill. Persons currently receiving non-Title XIX eligible services and living in non-Title XIX group homes

will continue to receive services. It is estimated that approximately 84 persons from the Grafton State School will be moved to the community during the 1981-83 biennium under this plan.

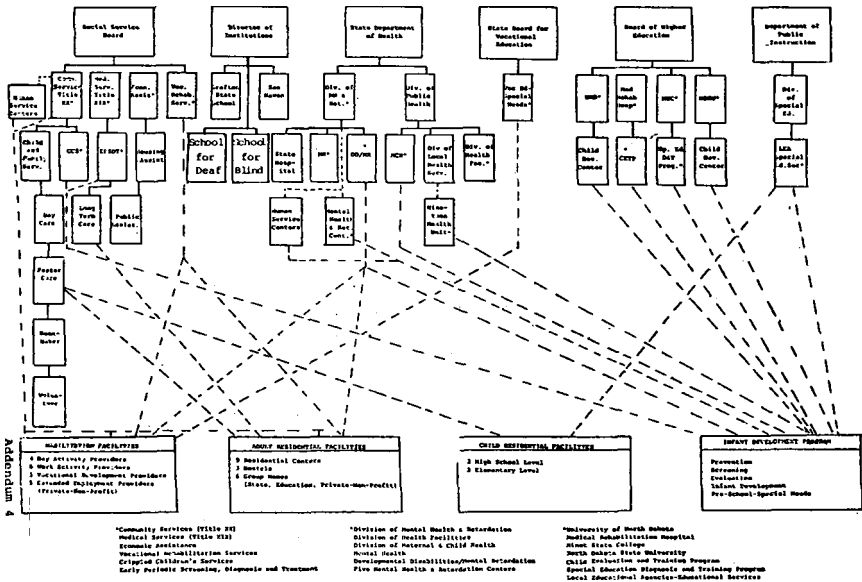
Addendum 2

**PROPOSAL FOR
COMMUNITY SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS
1981-83 BIENNium**

Location	Current and Recommended Facilities	Total Present Units	ICF-DD Conversion Units	ICF-DD New Units	Transitional Living (Vocational Development)	Adult Group Homes	Minimally Supervised	Total 1981-83
Region I —								
Williston	UMARC			8				8
Region II —								
Minor	Vocational Adj. Workshop	72	36		20		16	72
Region III —								
Devils Lake		0						0
Region IV —								
Grand Forks	Agassiz Enterprises	32	13	6	36			55
	Grand Forks Hostel	10					10	10
	Center for Human Development			8(MI)				8
Region V —								
Fargo	Svee Home	24			24			24
	Fraser Hall	65	27		40			67
	Friendship Village	15	15					15
Region VI —								
Fessenden		0		8				8
New Rockford				8				8
Carrington				8				8
Jamestown	Opportunities, Inc.	8		8		8		16
Valley City	Open Door, Inc.	0	9	7				16
Region VII —								
Bismarck	Pride Industries	18		15	30			45
Mandan	Memorial Mental Health and Retardation Center	0		16,8(MI)				8
Region VIII —								
Dickinson	Dickinson Hostel	8					8	8
Total		252	100	100	150	8	34	392

Addendum 3

CHART OF COMMUNITY PROVIDERS IN DEVELOPMENTAL DISABILITIES SERVICE NETWORK



Appendix B

DEPARTMENT OF HUMAN SERVICES

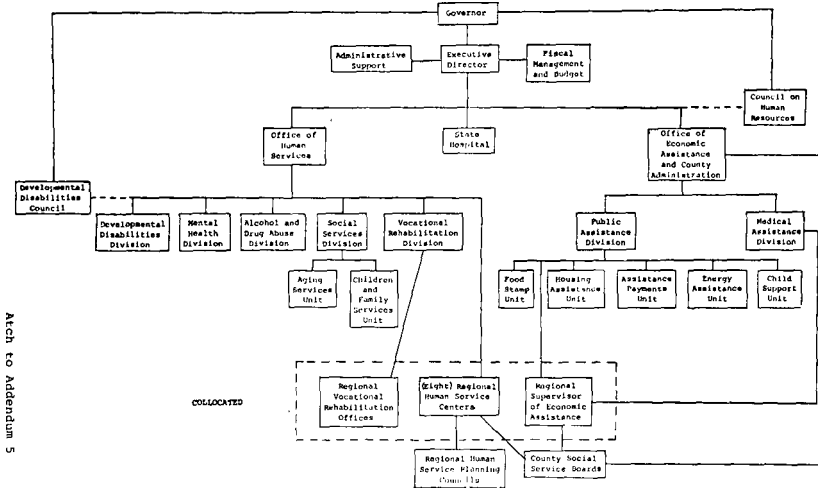
The 47th Legislative Assembly has passed legislation which creates the Department of Human Services.

The Department assumes the functions, duties and powers of the Social Service Board of North Dakota; the Governor's Council on Human Resources; the Mental Health and Retardation Division of the Department of Health, including the State Hospital and any other institutions under the jurisdiction of the Mental Health and Retardation Division; the Division of Alcoholism and Drug Abuse of the Department of Health; and the State Council on Developmental Disabilities.

The Executive Director of the Department of Human Services is appointed by the Governor.

The Department of Human Services includes the State Hospital, an office of Human Services, an office of Economic Assistance and county administration and administrative and fiscal support services. The office of Human Services contains the Developmental Disabilities Division, Mental Health Division, Social Services Division, including an aging services unit and a children and family services unit, Vocational Rehabilitation Division, including Regional Vocational Rehabilitation offices collocated with Regional Human Service Centers, and the Alcoholism and Drug Abuse Division. The office of Economic Assistance and county administration includes the Public Assistance Division, including a food stamp unit, a housing assistance unit, an assistance payments unit, an energy assistance unit, and a child support unit and the medical assistance division. An organizational chart is attached.

ORGANIZATIONAL CHART UNDER HOUSE BILL NO. 1418



Atch to Addendum 5

ANALYSIS OF GRAFTON STATE SCHOOL AND SAN HAVEN STATE HOSPITAL
NUMBER OF RESIDENTS AND EMPLOYEES

	Grafton State School		San Haven State Hospital		Ratio of Residents to Employees	Ratio of Residents to Employees
	Residents	Employees	Residents	Employees		
Fall 1970	1,243 ^{1/}	520	246 ^{2/}	229	2.39:1	1.07:1
Fall 1972	1,151	520	245 ^{3/}	233	2.21:1	1.05:1
Fall 1974	940	559	287	231	1.68:1	1.24:1
Fall 1976	876	663 ^{4/}	273	230	1.32:1	1.19:1
Fall 1978	851	630	286	230	1.35:1	1.15:1
Number of Residents March, 1981	811		238			
Number of Authorized Employees March 1981		628		235	1.29:1	1.01:1

- 1/ Includes an undetermined number of residents on placement and extended vacation and in nursing homes and training centers.
- 2/ Includes five tuberculosis patients.
- 3/ Includes four tuberculosis patients.
- 4/ The decrease in the number of employees between the fall of 1976 and the fall of 1978 was mainly due to the transfer of funding for the foster grandparent program from Grafton State School's budget to the Social Service Board's budget.

Addendum 6

GRAFTON STATE SCHOOL

Job Classification	State Authorized Positions 1979-81	Additional Positions Requested 1981-83	Additional Positions Requested 1983-85
Superintendent	1		

Assistant Superintendent	1		
Director of Resident Living	1		
Resident Living Supervisor IV	3		
Resident Living Supervisor III	4	1	
Resident Living Supervisor II	6		
Resident Living Supervisor I	6	7	1
Resident Program Technician Coordinator	1		
Resident Program Technician	29	9	48
Ward Attendant II	37	41	71
Ward Attendant I	304	103	113
Director of Health Services	1		
Physicians	3		
Nurse IV	1		
Nurse III	1		
Nurse II	3	8	
LPN III	3		
LPN II	4		
Dentist	1	1	
Dental Hygienist II	1	1	
Dental Assistant	1		1
Pharmacist II	1		
Pharmacist I	0	1	5
Lab Technician III	1		
Lab Technician II	1		
Physical Therapist III	1		
Physical Therapist I	2		6
Occupational Therapist III	0	1	
Occupational Therapist II	0		1
Occupational Therapist I	0		5
Activity Assistant I	5	15	16
Adaptive Equipment Specialist			1

Addendum 7

<u>Job Classification</u>	<u>State Authorized Positions 1979-81</u>	<u>Additional Positions Requested 1981-83</u>	<u>Additional Positions Requested 1983-85</u>
Director of Resident Education II	1		
Instructor I A	9	3	2
Instructor I B	6	1	
Instructor II A	1	3	1
Instructor II B	1		
Teacher Technician	3	18	16
Personnel Officer IV	1		
Personnel Officer II	0	1	
Personnel Assistant	1		

Meatcutter II		1		
Baker I	2			
Cook II	15			
Cook I	6			
Laundry Manager II	1			
Institutional Support Worker III	14	4		9
Institutional Support Worker II	19			
Plant Director II	1			
Electrician III	1			
Electrician I	1			
Plumber II	1			
Plumber I	1			
Maintenance Worker II	5			
Maintenance Worker I	4	1		4
Carpenter III	1			
Carpenter II	1			
Carpenter I	4			
Painter III	1			
Painter II	1			
Painter I	2			
		<u>State</u>	<u>Additional</u>	<u>Additional</u>
		<u>Authorized</u>	<u>Positions</u>	<u>Positions</u>
<u>Job Classification</u>		<u>Positions</u>	<u>Requested</u>	<u>Requested</u>
		<u>1979-81</u>	<u>1981-83</u>	<u>1983-85</u>
Power Plant Operator II	2			
Power Plant Operator I	3			
Campus Security Officer I	1			
Security Worker	0		3	
Auto Vehicle Mechanic II	0		1	
Equipment Operator I	0		1	
	TOTAL	601	256	352

ANALYSIS OF CRAFTON STATE SCHOOLS AND SAN HEVEN STATE HOSPITAL APPROPRIATIONS AND NEW POSITIONS FROM THE 1971-72 BUDGET THROUGH THE 1979-81 BUDGET

	Crafton State School				San Heven State Hospital			
	Institution Request	Executive Budget	Legislative Appropriation	Appropriation Over (Under)	Institution Request	Executive Budget	Legislative Appropriation	Appropriation Over (Under)
1971-72								
General Fund	\$ 9,059,655	\$ 5,305,217	\$ 5,416,566	\$ 114,349	\$ 3,132,456	\$ 3,907,120	\$ 3,879,970	\$ (27,150)
Special Funds	1,651,216	1,651,216	1,650,454	17,738	189,700	182,200	189,700	0
Total All Funds	<u>\$10,710,871</u>	<u>\$ 6,956,433</u>	<u>\$ 7,067,020</u>	<u>\$ 132,087</u>	<u>\$ 3,322,156</u>	<u>\$ 4,089,320</u>	<u>\$ 4,069,670</u>	<u>\$ (19,650)</u>
New Positions Requested or Authorized	102				2	0	0	0
1973-75								
General Fund	\$ 9,339,600	\$ 6,738,550	\$ 6,889,784	\$ 151,234	\$ 3,387,590	\$ 3,373,717	\$ 3,386,605	\$ 12,888
Special Funds	1,998,000	1,998,600	2,100,327	109,727	252,618	252,618	252,618	0
Total All Funds	<u>\$11,337,600</u>	<u>\$ 8,737,150</u>	<u>\$ 8,990,111</u>	<u>\$ 260,961</u>	<u>\$ 3,640,208</u>	<u>\$ 3,626,335</u>	<u>\$ 3,639,223</u>	<u>\$ (12,985)</u>
New Positions Requested or Authorized	84		3		1	1	1	0
1975-77								
General Fund	\$14,794,722	\$14,300,253	\$11,111,993	\$ (3,188,260)	\$ 4,359,319	\$ 4,775,085	\$ 4,587,579	\$ (187,506)
Special Funds	1,826,088	1,977,038	2,970,253	1,143,165	213,548	217,548	217,548	0
Total All Funds	<u>\$16,620,810</u>	<u>\$16,277,291</u>	<u>\$14,082,246</u>	<u>\$ (2,545,564)</u>	<u>\$ 4,572,867</u>	<u>\$ 5,092,633</u>	<u>\$ 4,805,127</u>	<u>\$ (287,536)</u>
New Positions Requested or Authorized	145	126	123	(3)	2	0	0	0

Grafton State School				San Haven State Hospital			
Institution Request	Executive Budget	Legislative Appropriation	Appropriation Over (Under) Executive Budget	Institution Request	Executive Budget	Legislative Appropriation	Appropriation Over (Under) Executive Budget
1977-78							
General Fund	\$15,942,678	\$15,901,987	\$ 404,716	\$ 6,075,950	\$ 5,997,803	\$ 5,991,113	\$ (8,747)
Special Funds	2,402,963	2,402,963	0	322,100	322,100	322,100	0
Total All Funds	\$18,345,641	\$18,304,950	\$ 404,716	\$ 6,398,050	\$ 6,319,903	\$ 6,313,213	\$ (5,670)
How Positions Requested or Authorized	35	0	0	2	0	0	0
1977-81							
General Fund	\$24,992,081	\$17,914,220	\$ 7,077,861	\$ 9,404,374	\$ 6,937,442	\$ 7,155,561	\$ 218,119
Special Funds	2,314,438	2,634,838	2,514,838	477,250	477,250	522,248	\$ 45,000
Total All Funds	\$27,306,519	\$20,549,058	\$ 6,757,461	\$ 9,881,624	\$ 7,414,692	\$ 7,677,809	\$ (213,800)
How Positions Requested or Authorized	154	13	7	(6)	25	5	0
1981-1983							
General Fund	\$48,251,522	\$28,752,448	\$ 19,500,074	\$12,131,098	\$11,208,857	\$11,112,107	\$ (86,750)
Special Fund	2,426,375	17,456,332	17,449,718	1,243,830	1,281,830	1,301,838	20,008
Total All Funds	\$50,677,897	\$46,208,780	\$ 4,469,112	\$13,374,928	\$12,490,687	\$12,413,945	\$ (81,683)
	256	256	195	(4)	27	25	22

- 1/ In addition to this amount, Senate Bill No. 2276 appropriated \$1,000,000 from the general fund for a food service building.
- 2/ The executive Budget authorized \$400,000 of the \$1.2 million requested for the 04 new positions but did not specify how many or what positions the \$400,000 was to be used for.
- 3/ The Legislature specifically approved 12 new positions; however, there may have been additional positions approved that were not specifically mentioned.
- 4/ In addition to this amount, an additional contingent appropriation of \$1,234,209 was made to Grafton to be used for salaries in the event CETA Funds were not received. Also, the Legislature authorized a deficiency appropriation of \$306,877 in Senate Bill No. 2110 and appropriated \$1.2 million for an administration building in House Bill No. 1548.
- 5/ In addition to this amount, the Legislature authorized a deficiency appropriation of \$70,000 to San Haven State Hospital in Senate Bill No. 2110.
- 6/ Includes \$535,500 designated to increase salaries and wages of primary care personnel, with the intent that the average of salaries in each of the primary care classifications be near the midpoint.
- 7/ Includes \$154,230 designated to increase salaries and wages of primary care personnel; also includes \$67,850 for boiler replacement.
- 8/ This amount includes provision for 6.5 percent average annual salary increases or \$50 per month increases, whichever is greater, as stated in House Bill No. 1639. In addition to this amount the Legislature also authorized a deficiency appropriation of \$265,120 to Grafton State School in Senate Bill No. 2052.
- 9/ This amount includes provision for 6.5 percent average annual salary increases or \$50 per month increases, whichever is greater, as stated in House Bill No. 1639. In addition to this amount a capital construction bill (Senate Bill No. 2497) appropriated \$1,320,000 to San Haven for a food service, laundry, and commissary building. This appropriation is dependent upon available general fund balances. The Legislature also authorized a deficiency appropriation of \$22,048 to San Haven in Senate Bill No. 2012.

Prepared by the Legislative Council staff

CAPITAL IMPROVEMENTS FOR 1981-1983

Grafton State School	\$14,209,432
San Haven	\$ 1,886,000
School for the Deaf	\$ 869,000
School for the Blind	\$ 293,000*

*tentative at time of this report

Addendum 8 (cont.)

Forty-seventh
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2153

This statement of legislative intent is provided to define more clearly the relationship between the state, school districts, and parents of handicapped children in the provision of special education and related services. "Related services" means transportation and such developmental and corrective or supportive services required to assist a handicapped child to benefit from special education.

The school administrator or his appointed representative or director of special education other than the child's teacher is responsible for bringing together professionals and parents to share assessment information related to all areas of suspected disability, develop an individualized education program plan for the handicapped student and make recommendations for required special education and related services.

The legislative assembly believes that in order to assure equality of services which are provided for by limited state funds, the department of public instruction will be required to approve a contract for services based on an individualized education program developed for each handicapped student placed in a private school program or in programs outside the student's original special education unit.

The legislative assembly recognizes that a handicapped student whose individualized education program so requires is entitled to an educational program in excess of one hundred eighty days per year if regression caused by an interruption in educational programming, together with a student's limited recoupment capacity, renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of the handicapping condition. All summer programs attended by these students must have approval of the department of public instruction before receiving foundation aid or state special education reimbursement.

In the case of handicapped students who require boarding care away from the family residence in order to receive special education and related services in an approved program, it is the intent of the legislative assembly that the instructional costs and costs of related services, except for boarding care, be borne by state special education funds and school district funds. It is the intent of the legislative assembly that boarding care costs be paid by state social service funds.

"All handicapped children have the right to a free appropriate education" means that all handicapped students have the right to special education and related services which must be provided at no cost to parents. "At no cost" means specifically designed instruction provided without charge but does not preclude expenses normally incurred or charged to parents of nonhandicapped children. Parents will assume such costs for a handicapped child as they would if the child was not handicapped. Personal items, including, but not limited to, hearing aids, eyeglasses, routine medical expenses, physical exams, medications, and all items necessary for a nonhandicapped child, will be the financial responsibility of the parent.

School districts must require use of family insurance, or similar third party payments, in whatever amount is allowed, for determining a child's medically related handicapping condition which results in the child's need for special education and related services. It is the school district's responsibility to assume costs not covered by the insurer or similar third party in the above situation.

Forty-seventh
Legislative Assembly

The school district in which a handicapped student resides is responsible to provide transportation for the student as prescribed in the student's individualized education program.

Costs of transportation for the student to attend an approved special education program are the responsibility of the school district with aid from the department of public instruction.

The district of residence may use any reasonably prudent and safe means of transportation at its disposal to carry out the requirements of the individualized education program. Such means may include, but not be limited to, a regularly scheduled school bus, public or commercial transportation where appropriate, charter or specially contracted transportation, or transportation provided by a handicapped student's parent or other responsible party at school district expense.

If the transportation between the district of residence and the educational facility is provided by the parents, the reimbursement to the school district from department of public instruction funds shall be for mileage costs only and shall not include per diem costs for meals, lodging, lost wages, or other costs of any kind.

As the state department of health has authority under chapter 25-16 to provide early intervention services to meet the needs of handicapped children ages zero through two years, the legislative assembly recognizes this provision and requires the department of public instruction, the state department of health, and the department of human services to cooperate in planning and coordinating programs for these children.

The President announced the following 1981-1983 Interim Committee appointments.

SENATE INTERIM COMMITTEE APPOINTMENTS

Capitol Grounds Planning Commission:

Senators Hanson
Tennefos
Berube

Education Commission of the States:

Senator Curtis Peterson

Legislative Council:

Senators Olin
Iszler
Cussons
Barth
Shablow

TUESDAY, MARCH 31, 1981

2043

Nothing

Redlin

Multistate Tax Compact Advisory Committee:

Senators Lee

Dotzenrod

Indian Affairs Commission:

Senator Stromme

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. 1058

House Bill No. 1092

House Bill No. 1230

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 Concurrent Resolution No. 3069

Very respectfully,

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1040

Very respectfully,

ROY GILBREATH, Chief Clerk

Report of Conference Committees

Mr. _____ PRESIDENT _____: Your Conference Committee to whom was referred HOUSE CONCURRENT RESOLUTION No. _____ 3069 _____ has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Concurrent Resolution No. 3069 be further amended as follows:

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

JOURNAL OF THE SENATE

STATEMENT OF INTENT

The purpose of these amendments is to require any bonuses paid from mineral leases on state lands held in trust for the common schools or for state institutions to be deposited in the appropriate permanent trust fund; and to allow the common school trust fund distribution.

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

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

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

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

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

And renumber the lines, sections, and pages accordingly

For the Senate	For the House
<i>Wenstrom</i>	<i>B. Larson</i>
Senator Wenstrom	Rep. Larson
<i>Melland</i>	<i>Heigaard</i>
Senator Melland	Rep. Conroy
<i>Neilson</i>	<i>refused to sign</i>
Senator Neilson	Rep. Heigaard

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Melland moved that the rules be suspended, that House Concurrent Resolution No. 3069 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

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

STATEMENT OF INTENT

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

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were ayes 48, nays 1, 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			● GROETBERG			● NELSON			● STREIBEL		
● ALBERS			● HANSON			● NETHING			● STROMME		
● BAKWELL			● HOLMBERG			● OLIN			● TALLACKSON		
● BARTH			● ISZLER			● PARKER			● TENNEFOS		
● BERUBE			● LASHKOWITZ		●	● PETERSON			● THANE		
● CHRISTENSEN, H. #5			● LEE			● QUAIL			● TIERNEY		
● CHRISTENSEN, R. #36			● LEIBHAN			● REDLIN			● TWETEN		
● CUSONS			● LIPS			● REITEN			● VOSPER		
● DOTZENROD			● LODDEN			● ROEN			● WALSH		
● DYKSHOORN			● MELLAND			● SHABLOW			● WENSTROM		
● ERICKSON			● MOORE			● SOLBERG			● WRIGHT		
● FRITZELL			● MUTCH			● SORUM			● MR. PRESIDENT		
● GOODMAN			● NAADEN			● STENEHJEM					

House Concurrent Resolution No. 3069 was declared adopted.

MESSAGES 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 Concurrent Resolution No. 3069

Very respectfully,

LEO LEIDHOLM, Secretary
Senate Chamber

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

House Bill No. 1641

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 upon the payment of one dollar. This exemption shall also apply to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight subsequently purchased or acquired by such a 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

<p style="text-align: center;">For the Senate</p> <p style="text-align: center;"><i>Melland</i></p> <p>_____ Senator Melland</p> <p style="text-align: center;"><i>Streibel</i></p> <p>_____ Senator Streibel</p> <p style="text-align: center;"><i>Stromme</i></p> <p>_____ Senator Stromme</p>	<p style="text-align: center;">For the House</p> <p style="text-align: center;"><i>Wald</i></p> <p>_____ Representative Wald</p> <p style="text-align: center;"><i>Solberg</i></p> <p>_____ Representative Solberg</p>
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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. 2289 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2289. — A Bill 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.

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		●	GROTEBERG		●	NELSON		●	STREIBEL	
●	ALBERS		●	HANSON		●	NETHING		●	STROMME	
●	BAKEWELL		●	MOLMBERG		●	OLIN		●	TALLACKSON	
●	BARTH		●	ISZLER		●	PARKER		●	TENNEFOS	
●	BERUBE		●	LASHKOWITZ		●	PETERSON		●	THANE	
●	CHRISTENSEN, H. 85		●	LEE		●	QUAIL		●	TIERNEY	
●	CHRISTENSEN, R. 136		●	LEIBHAN		●	REDLIN		●	TWETEN	
●	CUSSONS		●	LIPS		●	REITEN		●	VOSPER	
●	DOTZENROD		●	LODOEN		●	ROEN		●	WALSH	
●	DYKSHOORN		●	MELLAND		●	SHABLOW		●	WENSTROM	
●	ERIKSSON		●	MOORE		●	SOLBERG		●	WRIGHT	

• FRITZELL • GOODMAN	• MUTCH • NAADEN	• SORUM • STENEHJEM	MR. PRESIDENT
-------------------------	---------------------	------------------------	---------------

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2289 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 transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed:

Senate Bill No. 2289

Very respectfully,

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2160

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 Concurrent Resolution No. 3084

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. 2289

Very respectfully,

ROY GILBREATH, Chief Clerk

POINT OF PERSONAL PRIVILEGE

Senator Naaden: Mr. President - I rise on a point of personal privilege and I request that my remarks be printed in the Journal.

Mr. President - members of the Senate.

The people of North Dakota are overwhelmingly prolife. They demonstrated this in the 1972 referendum when 78% voted not to make the current abortion laws less restrictive.

Since the 1973 Supreme Court decision, which in effect legalized abortion-on-demand, each of the legislative assemblies have sent a message to Congress requesting that Congress act so that human life, born and unborn, would once again have protection under the laws of these United States.

Senator Mark Andrews is a sponsor of one of the proposed human life amendments introduced in Congress. Congressman Byron Dorgan has stated he also supports it. This resolution is SJ Resolution 22.

SJR 22 and HJR 139 reads;

Section 1. With respect to the right to life, the word "person" as used in this article and in the fifth and fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings,

irrespective of age, health, function, or condition of dependency, including their unborn offspring at every state of their biological development.

Section 2. No unborn person shall be deprived of life by any person: provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

HCR 3084 requests "the United States Congress to pass a resolution proposing an amendment to the Constitution of the United States to protect all human life."

I urge that the Senate of the 47th Legislative Assembly to join its Congressional Delegation in demonstrating its concern by adopting a stand urging equal protection of all life from conception through natural death.

Let us once more declare our belief in the value and dignity of each human being.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3084. — A concurrent resolution urging the United States Congress to propose an amendment to the United States Constitution to protect human life.

Was read the first time.

Senator Nething moved that the rules be suspended, that House Concurrent Resolution No. 3084 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3084. — A concurrent resolution urging the United States Congress to propose an amendment to the United States Constitution to protect human life.

Was read the second time

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3084 was declared adopted on a voice vote.

MESSAGE TO THE HOUSE Senate Chamber

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

House Concurrent Resolution No. 3084

LEO LEIDHOLM, Secretary

Report of Procedural Committee

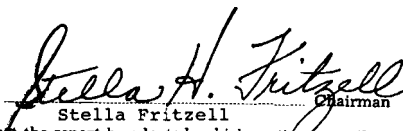
MR. PRESIDENT:

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

Senate Bill No. 2038
 Senate Bill No. 2060
 Senate Bill No. 2117
 Senate Bill No. 2127
 Senate Bill No. 2152
 Senate Bill No. 2213
 Senate Bill No. 2228
 Senate Bill No. 2363
 Senate Bill No. 2374
 Senate Bill No. 2404
 Senate Concurrent Resolution No. 4033
 Senate Concurrent Resolution No. 4087

and find the same correctly

Enrolled



Stella H. Fritzell
Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2038
Senate Bill No. 2060
Senate Bill No. 2117
Senate Bill No. 2127
Senate Bill No. 2152
Senate Bill No. 2213
Senate Bill No. 2228
Senate Bill No. 2363
Senate Bill No. 2374
Senate Bill No. 2404
Senate Concurrent Resolution No. 4033
Senate Concurrent Resolution No. 4087

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2038
Senate Bill No. 2060
Senate Bill No. 2117
Senate Bill No. 2127
Senate Bill No. 2152
Senate Bill No. 2213
Senate Bill No. 2228
Senate Bill No. 2363
Senate Bill No. 2374
Senate Bill No. 2404
Senate Concurrent Resolution No. 4033
Senate Concurrent Resolution No. 4087

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

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2038
Senate Bill No. 2060
Senate Bill No. 2117
Senate Bill No. 2127
Senate Bill No. 2152
Senate Bill No. 2213
Senate Bill No. 2228
Senate Bill No. 2363
Senate Bill No. 2374
Senate Bill No. 2404
Senate Concurrent Resolution No. 4033
Senate Concurrent Resolution No. 4087

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

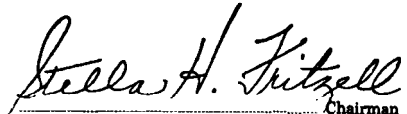
Report of Procedural Committee

MR. PRESIDENT:

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

- Senate Bill No. 2011
- Senate Bill No. 2024
- Senate Bill No. 2204
- Senate Bill No. 2358
- Senate Concurrent Resolution No. 4088
- Senate Resolution No. 2

and find the same correctly } Enrolled



Stella Fritzell Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

- Senate Bill No. 2011
- Senate Bill No. 2024
- Senate Bill No. 2204
- Senate Bill No. 2358
- Senate Concurrent Resolution No. 4088
- Senate Resolution No. 2

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

- Senate Bill No. 2011
- Senate Bill No. 2024
- Senate Bill No. 2204
- Senate Bill No. 2358
- Senate Concurrent Resolution No. 4088

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

LEO LEIDHOLM, Secretary

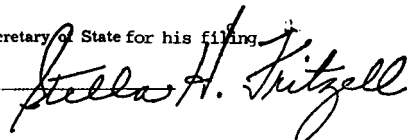
REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Resolution No. 2

delivered to the

Secretary of State for his filing



Chairman.

MESSAGE FROM THE HOUSE

House Chamber

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

- Senate Bill No. 2011

Senate Bill No. 2024
Senate Bill No. 2038
Senate Bill No. 2060
Senate Bill No. 2117
Senate Bill No. 2127
Senate Bill No. 2152
Senate Bill No. 2204
Senate Bill No. 2213
Senate Bill No. 2228
Senate Bill No. 2358
Senate Bill No. 2363
Senate Bill No. 2374
Senate Bill No. 2404
Senate Concurrent Resolution No. 4033
Senate Concurrent Resolution No. 4087
Senate Concurrent Resolution No. 4088
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk
House Chamber

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

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
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 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

were delivered to the } Governor for his approval

4:15 April 6, 1981

Stella H. Fritzell
 Stella Fritzell Chairman

MESSAGE FROM THE HOUSE
House Chamber

Mr. President: I have the honor to return herewith the following:
 Senate Bill No. 2007
 Senate Bill No. 2009
 Senate Bill No. 2012
 Senate Bill No. 2018
 Senate Bill No. 2153
 Senate Bill No. 2253
 Senate Bill No. 2372
 Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

- Senate Bill No. 2007
- Senate Bill No. 2009
- Senate Bill No. 2012
- ~~Senate Bill No. 2018~~
- Senate Bill No. 2153
- Senate Bill No. 2253
- Senate Bill No. 2372

were delivered to the } Governor for his approval

4:15 April 6, 1981

Stella H. Fritzell
 Stella Fritzell Chairman

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4016

_____ was _____ delivered to the _____ } Secretary of State for his filing.
on 4-6-81 _____ }
(date)

Stella H. Fritzell
Stella Fritzell, ~~Chairman~~

MR. PRESIDENT:

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

- Senate Bill No. 2005
- Senate Bill No. 2019
- Senate Bill No. 2025
- Senate Bill No. 2092
- Senate Concurrent Resolution No. 4041
- Senate Concurrent Resolution No. 4091

and find the same correctly } Enrolled

Stella H. Fritzell
Stella Fritzell, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

- Senate Bill No. 2005
- Senate Bill No. 2019
- Senate Bill No. 2025
- Senate Bill No. 2092
- Senate Concurrent Resolution No. 4041
- Senate Concurrent Resolution No. 4091

LEO LEIDHOLM, Secretary
MESSAGE TO THE HOUSE
Senate Chamber

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

- Senate Bill No. 2005
- Senate Bill No. 2019
- Senate Bill No. 2025
- Senate Bill No. 2092
- Senate Concurrent Resolution No. 4041
- Senate Concurrent Resolution No. 4091

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

LEO LEIDHOLM, Secretary
MESSAGE FROM THE HOUSE
House Chamber

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

- Senate Bill No. 2005
- Senate Bill No. 2019
- Senate Bill No. 2025
- Senate Bill No. 2092

Senate Concurrent Resolution No. 4041
Senate Concurrent Resolution No. 4091
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

Report of Procedural Committee

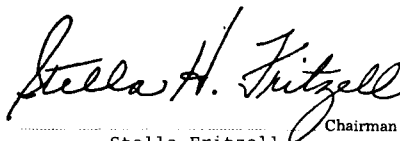
MR. PRESIDENT:

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

Senate Bill No. 2010
Senate Bill No. 2026
Senate Bill No. 2046
Senate Bill No. 2289
Senate Bill No. 2347
Senate Bill No. 2432
Senate Concurrent Resolution No. 4090

and find the same correctly

} Enrolled



Chairman

Senator

Moore

Stella Fritzell

moved that the report be adopted, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

Senate Bill No. 2010
Senate Bill No. 2026
Senate Bill No. 2046
Senate Bill No. 2289
Senate Bill No. 2347
Senate Bill No. 2432
Senate Concurrent Resolution No. 4090

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2010
Senate Bill No. 2026
Senate Bill No. 2046
Senate Bill No. 2289
Senate Bill No. 2347
Senate Bill No. 2432
Senate Concurrent Resolution No. 4090

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

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2010
Senate Bill No. 2026
Senate Bill No. 2046
Senate Bill No. 2289
Senate Bill No. 2347
Senate Bill No. 2432

Senate Concurrent Resolution No. 4090
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

- Senate Bill No. 2005
- Senate Bill No. 2010
- Senate Bill No. 2011
- Senate Bill No. 2019
- Senate Bill No. 2024
- Senate Bill No. 2025
- Senate Bill No. 2026
- Senate Bill No. 2038
- Senate Bill No. 2046
- Senate Bill No. 2060
- Senate Bill No. 2092
- Senate Bill No. 2117
- Senate Bill No. 2127
- Senate Bill No. 2152
- Senate Bill No. 2204
- Senate Bill No. 2213
- Senate Bill No. 2228
- Senate Bill No. 2289
- Senate Bill No. 2347
- Senate Bill No. 2358
- Senate Bill No. 2363
- Senate Bill No. 2374
- Senate Bill No. 2404
- Senate Bill No. 2432

Were delivered to the } Governor for his approval at the hour of
4:15 o'clock April 6 1981

Stella H. Fitzgell
Chairman

The committee on Enrollment and Engrossment respectfully reports that:

- Senate Concurrent Resolution No. 4033
- Senate Concurrent Resolution No. 4041
- Senate Concurrent Resolution No. 4087
- Senate Concurrent Resolution No. 4088
- Senate Concurrent Resolution No. 4090
- Senate Concurrent Resolution No. 4091

Were delivered to the } Secretary of State
on 4-6-81 (date)

Stella H. Fitzgell
Chairman

MESSAGE FROM THE HOUSE
House Chamber

Mr. President: I have the honor to transmit herewith the following:
House Bill No. 1001
House Bill No. 1002
House Bill No. 1008
House Bill No. 1028
House Bill No. 1036
House Bill No. 1038

House Bill No. 1039
 House Bill No. 1040
 House Bill No. 1049
 House Bill No. 1058
 House Bill No. 1060
 House Bill No. 1061
 House Bill No. 1092
 House Bill No. 1230
 House Bill No. 1243
 House Bill No. 1277
 House Bill No. 1365
 House Bill No. 1374
 House Bill No. 1509
 House Bill No. 1565
 House Bill No. 1605
 House Bill No. 1653
 House Bill No. 1659
 House Concurrent Resolution No. 3069

House Concurrent Resolution No. 3084

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

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

House Bill No. 1001
 House Bill No. 1002
 House Bill No. 1008
 House Bill No. 1028
 House Bill No. 1036
 House Bill No. 1038
 House Bill No. 1039
 House Bill No. 1040
 House Bill No. 1049
 House Bill No. 1058
 House Bill No. 1060
 House Bill No. 1061
 House Bill No. 1092
 House Bill No. 1230
 House Bill No. 1243
 House Bill No. 1277
 House Bill No. 1365
 House Bill No. 1374
 House Bill No. 1509
 House Bill No. 1565
 House Bill No. 1605
 House Bill No. 1653
 House Bill No. 1659
 House Concurrent Resolution No. 3069
 House Concurrent Resolution No. 3084

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1001
 House Bill No. 1002
 House Bill No. 1008

House Bill No. 1028
House Bill No. 1036
House Bill No. 1038
House Bill No. 1039
House Bill No. 1040
House Bill No. 1049
House Bill No. 1058
House Bill No. 1060
House Bill No. 1061
House Bill No. 1092
House Bill No. 1230
House Bill No. 1243
House Bill No. 1277
House Bill No. 1365
House Bill No. 1374
House Bill No. 1509
House Bill No. 1565
House Bill No. 1605
House Bill No. 1653
House Bill No. 1659
House Concurrent Resolution No. 3069
House Concurrent Resolution No. 3084
Which the President has signed.

LEO LEIDHOLM, Secretary
MESSAGE FROM THE HOUSE
House Chamber

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

House Bill No. 1027
House Bill No. 1033
House Bill No. 1050
House Bill No. 1204
House Bill No. 1218

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

ROY GILBREATH, Chief Clerk
SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President signed the following:

House Bill No. 1027
House Bill No. 1033
House Bill No. 1050
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House Bill No. 1218

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Which the President has signed.

LEO LEIDHOLM, Secretary
MESSAGE FROM THE HOUSE
House Chamber

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

House Bill No. 1004
 House Bill No. 1009
 House Bill No. 1011
 House Bill No. 1013
 House Bill No. 1021
 House Bill No. 1132
 House Bill No. 1154
 House Bill No. 1225
 House Bill No. 1276
 House Bill No. 1284
 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

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

ROY GILBREATH, Chief Clerk

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House Bill No. 1536
House Bill No. 1542
House Bill No. 1589
Which the President has signed.

LEO LEIDHOLM, Secretary

Senator Nothing moved that the Senate resolve itself into a session of "Hearts and Flowers," which motion prevailed.

SPECIAL ORDER OF BUSINESS

President Sands presiding

Senator Nothing: Mr. President, I move that Senator Thane be recognized.

Senator Thane: Mr. President, ladies and gentlemen of the Senate, this is probably one of the more pleasant things that we have an opportunity to do during the legislative session and in some ways it is a little bit sad too, because we recognize the fact that in a few minutes we will be adjourning, or recessing, or whatever action we will take this time, and we probably will not see each other except on rare occasions for some time. We have a group of five people called the desk force, and that also includes the Sergeant-at-Arms that I would like to recognize on behalf of the Senate with a small token of our appreciation. I had an opportunity to read what I said two years ago. I meant every word of it on behalf of the Senate and I'm not going to repeat it this time, I just hope some of you remember what I said and in the interest of time, I'm going to disregard that; however, I would like to have each and every one of you know that we really and truly appreciate you and we know that we cannot function as a legislative body without you. We sometimes get caught up in our own personal affairs, and sometimes these affairs go to our heads and we fail to recognize how important you are and that is the reason for this little time that we are taking at the moment to show our appreciation, so if the pages will come behind the rail, I'll make these presentations. First of all I have a token on behalf of the Senate to give to Leo Leidholm, who is our very efficient Secretary and has been with us a long time and does a wonderful job. The next gift I have is for Doris McMahon who is a very efficient gal at the desk and what I said about you, Doris, holds true this time too. Thank you very much. For the benefit of the new Senators, they would have to look in the 1979 Journal to find out all the nice things that I said about these people, but take my word for it, I did say nice things. Sandy Boehler is a pleasant redhead who is always working hard for us and we have a little token for her too. Vern Asheim is the right hand of Leo and straightens him out when he gets into trouble, we have something for you too, Vern. Last, but certainly not least, because it just happens to be the way I have the names written down, we have a token of our appreciation for Olger Sandven who is our Sergeant-at-Arms and who between himself and the assistant Sergeant-at-Arms, does a wonderful job. In closing, I would like to recognize as a group, all of the Senate employees. Although we don't have any particular tokens for them, we will remember them always for the fine work that they did. Thank you very much.

Senator Nothing: Mr. President, I would now ask that you recognize Senator Lips.

Senator Lips: Mr. President, ladies and gentlemen of the Senate, it is a real pleasure for me to represent the Senate in making a little presentation to you as our President. I have felt sometimes sitting

back here watching you operate and sitting up at the desk that sometimes you would like to be down here among the Senators debating some of the issues, but then after you have listened to all the debate on all these issues, I think if we have any questions on any bills we can ask you and you are an expert. I think you have done an outstanding job as our presiding officer, you have been very fair with all the Senators and I don't think the Senators as a whole ever tried to get you into too much trouble. Mr. President, I know that it is different when you are sitting up there than it is sitting in the body, but you have been a tremendous presiding officer, we've appreciated your fairness and we certainly appreciated your promptness. Mr. President, I don't think we ever had to hold the Senate up because the President was late and that means a lot. I think this session we've started on time, when we say 1:00, we've meant 1:00, and you have been in your chair ready to go, so congratulations to you, we have a little token of remembrance of this session and best wishes to you and we'll see you as we go along throughout the years.

President Sands: Members of the Senate I would like to say my thanks to you for all the "on the job training" that you have given me and like Senator Lips said I think you have been very kind and generous, you haven't at any time especially set out to box in the presiding officer and I appreciate that very much. I appreciate the attention and the compassion that you have had for me and the indulgence with me when I had to struggle at times up here. Just thank you very very much, and I want to extend a special thanks to the desk force and to the pages, the Sergeant-at-Arms and all the employees who have worked so well with me. Thank you very much.

Senator Lips: Mr. President, I now ask that you recognize Senator Shablow.

Senator Shablow: Mr. President, ladies and gentlemen of the Senate, I rise to speak to and for my worthy opponent for the position of President Pro-tem of the Senate, and as you will recall it was a very close race. Senator Wright, who didn't get all the right bills passed was always dedicated to those things that he thought were right and never to my knowledge compromised his position. When Senator Wright was called upon to preside over the Senate, he did an excellent job which we were all sure he would. It is my pleasure to present Senator Wright with this small gift from the members of the entire Senate as a token of appreciation for his dedication to his duties both as President Pro-tem of the Senate and as a Senator from the 4th District and a member of this body. Thank you.

Senator Wright: Mr. President, members of the Senate, I just want to say thank you to all of you fine people in this Senate body, I have appreciated working with you the entire session, and I did enjoy acting as President Pro-tem the very few times I did preside. It has been a good session and I am looking forward to seeing all of you again in the future. Thank you very much.

Senator Shablow: Mr. President, I now ask that you recognize Senator Lodoen.

Senator Lodoen: Mr. President, Senator Shablow hasn't forgotten, he always likes to keep me on edge and waiting. Mr. President it's really a pleasure for me to be able to make the next presentation to one of, I think, our outstanding people in the Minority party and Democrat. I had an opportunity this session to serve on a committee that was very unfamiliar to me and to make things worse, I find out that the Minority party that I'm having on that committee is the Minority leader of the

Senate and so this made me doubly on edge when we came to our committee meetings. On top of that, this gentleman has his son and daughter-in-law living in my city so I have to doubly be aware of what I am doing to treat him right or I won't get those votes from the Democrats back home when I come to get re-elected. It has really been a pleasure to serve with Senator Redlin, I think he has been very fair, I hope he felt that we treated him that way. We had our differences at times on certain bills, but he is very fair to work with and I say this personally, on the State and Federal Committee it was really a joy to work with him and I think those of us in the Senate body know how fair he has been here. He has been an excellent leader for his party and it gives me a great deal of pleasure at this time to present this little gift to Senator Redlin.

Senator Redlin: Mr. President, members of the Senate, Thank you very much, I appreciate your kind words Senator Lodoen, and I assure you I will try hard to have my kinfolk bend just a little bit when it comes to some votes in your district. I do appreciate the kind words and this gift. I will long cherish the memory of the 47th Session of the North Dakota Senate. I must say that the Majority and its leadership have kept us fully informed of all procedural matters. They have protected the Minority's rights. The Minority does have responsibilities regardless of the numbers that we have in this body, I am pleased to report too, that the desk force has rendered excellent service to all of us without favor and that we deeply appreciate. You, Mr. President have indeed brought credit to your position as presiding officer. You have treated all members with the utmost fairness and the dignity of the process that we are engaged in, we appreciate that. The splendid assistance and cooperation that I have received from my own Minority members is deeply appreciated by leadership. I particularly want to express my appreciation to Senator Barth, the Minority whip for his excellent cooperation, his studious attention to duty, and his splendid attitude which has been a joy for me to work with him. I want to mention too, Senator Dotzenrod, our caucus chairman, for his excellent concern that his caucus duties be performed well, on time and with the issues being forthrightly discussed. This session in total has been a demonstration of our respect for our process of government. With all of its problems, democracy as we practice it in North Dakota and America is way ahead of whatever is in second place. Thank you very much.

Senator Lodoen: Mr. President, I now ask that you recognize Senator Dotzenrod.

Senator Dotzenrod: Mr. President, members of the Senate, it is my privilege and honor this evening in the closing moments of the 47th Legislative session, to present a small gift to the Assistant Majority leader, Senator Russell Thane. This gift is a token of appreciation from the members of the Senate to an individual who we want to recognize for hours of hard work when that work needed to be done and for a willingness to give unselfishly of his time and talent, service to the citizens of North Dakota. As a member of the Minority party, I have appreciated the fairness and even handedness that he has demonstrated in dealing with the inevitable political differences and confrontations that accompany the legislative process. As a member of the Senate, I have appreciated his reasonable comments to the assembly from time to time to help clear up an issue or to provide input that is always direct, to the point and meaningful to the issue at hand. As a fellow resident of Richland county, I know and appreciate very well the way he has represented and is representing all the voters and residents

of his district and that is quite a chore for anyone whose district is roughly one half rural and one half urban which his is. There are many ways which I can compliment the assistant Majority Leader. I think of a couple of ways. One, he is dependable. I don't think he has forgotten or slipped up in making his famous daily motion "I move that the absent Senators be excused", and I guess if you are absent that day, besides being dependable, he's a friend. He's persuasive, now who can forget the strong case he made and how his view prevailed when someone tried to amend the Highway Department budget to eliminate an airplane. I can think of other examples that I could use to demonstrate how effective he has been as assistant Majority leader. I think that speaking for all of us we appreciate his good nature, his tireless efforts on behalf of the entire Senate. His knowledge, experience and dedication are recognized and appreciated by all. It is an honor for me to present this small token of that sincere appreciation to Senator Russell Thane.

Senator Thane: Mr. President, Mr. Minority Caucus leader, members of the Senate, it is with a great deal of appreciation that I accept this gift and I appreciate very much your kind and sincere remarks. There is something about being an assistant leader that is just a little bit different than anything else. You have to be a little bit low-key, you have to be supportive, I think anyone understands that who has been in that position, but I've considered it an honor and a privilege and I would like to thank not only you Senator Dotzenrod, but the entire Senate body for their consideration.

Senator Dotzenrod: Mr. President, I now ask that you recognize Senator Melland.

Senator Melland: Mr. President, ladies and gentlemen of the Senate, I am sorry that Senator Barth is not here because I am privileged on behalf of the Senate to make this presentation to him. If he were here I would say to him that to many of us he has been a spokesman for the loyal opposition. Minorities are frequently called the loyal opposition and I want you to know that in view of all of us, Senator Barth has been faithful to that and he is certainly loyal in his opposition. I notice too, that when the Minority leader addressed the body and thanked his assistant, he referred to him as "the whip" and that is a proper and appropriate expression and the usual political meaning is that that party responsibility is to keep his own members in line and I want you to know that on rare occasions the lash of the whip has been felt far beyond his section of where he sits. But all of this has been overcome with his congeniality, his good humor, and his compromising nature after the issue has been resolved. So on behalf of all of us, we would like to have this presentation made to Senator Dotzenrod who will see to it that Senator Barth gets it with our thanks and appreciation.

Senator Melland: Mr. President, I ask that you recognize Senator Tallackson.

Senator Tallackson: Mr. President, ladies and gentlemen of the Senate, it is a distinct honor and privilege for me to be asked to present a small gift of appreciation to our Majority Leader of the Senate body. In the three sessions that I have served, I have admired his ability to keep things running smoothly. He has always conducted himself in a gentlemanly manner and has had the concern of each member of the Senate utmost in his mind. I sincerely believe that he also has the best interests in North Dakota and its citizens in his heart. Because I am a member of the opposite political party I especially enjoy the manner in which he treats the opposing party members.

Looking back over this session, I remember only one time when our Majority leader flinched and appeared to be a bit ruffled. You will probably remember the time when one of his amendments was referred to as "garbage". Of course he immediately regained his courtroom composure and continued on. Senator Nething, I know I express the sentiment of all the members of the Senate when I say we appreciate the excellent manner in which you have performed as Majority leader. I remember well the closing moments of the 46th Legislative session when Senator Nething made a dramatic announcement that he would in all likelihood seek the nomination for the office of governor of North Dakota. We all watched with very special interest his efforts to achieve this end. Again I know I express the feelings of the Senate when I wish you, Senator Nething, the very best of everything and present to you our gift of appreciation as a small token for your efforts. Mr. President, I would ask one of the pages to deliver this gift to Senator Nething and Mr. President, as a final move, I would like to move that the gift be laid on the table.

Senator Nething: Mr. President, ladies and gentlemen of the Senate, thank you very much Senator Tallackson, it was especially nice for you to be willing to make those comments. My secretary informed me that it was offered to nine other members of the Minority. There are so many things that a person would like to say at a time like this because it's kind of "wind down" time and we are all going to go our different ways, but before we do, I just want to express the thought that whatever good we did in this session, we didn't do it alone, we had someone helping us. You, Mr. President, helped us. Thank you very much. You of our staff, our employees helped us. Thank you very much. Senator Thane, I really appreciate your loyalty and your willingness to do things when I hadn't even briefed you on them. Senator Naaden as caucus chairman, you were very fair to us, you did a good job. And above all, our committee chairmen. I really think they were terrific and to handle the workload that we did after the House unloaded on us after crossover, it was only possible because of your efforts. Then, I want to thank my wife, Marge. You don't know what she puts up with. I'd like to ask that you recognize Marge. Thank you. Two years ago, I mentioned that I thought we needed to govern ourselves as legislators by first of all voting our conscience and what we believed in. Second, that we vote for the good of the state, third, we must consider our district, and fourth we must give respect to our political party. I still believe that way and I still feel that way, and I hope that each of you will always encourage new legislators and new people entering government to adopt a type of philosophy like that, that will make our efforts stand up not just during this biennium, but down the line. Thank you very much for letting me be a Majority leader, I really like the job, I get kind of accustomed to it, and I hope that we will see all of you during the interim, I hope that all of you will take part when you are asked to, with legislative council work, and if you will do just half the job that you did during this session, the State of North Dakota is going to have another bargain. Thank you.

Senator Nething: Mr. President, I now ask that you recognize Leo Leidholm, our Secretary.

Leo Leidholm:

Mr. President and Members of the Senate:

After listening to all of the well versed testimonies we have just heard, I have a "tough" bunch to follow. I know that I speak for all of the employees of the 47th Legislative Session when I say that it has

been the pleasure of every one of us to have been selected to serve the members of this Senate. Our hope is that we have served each and every one of you to the best of our ability and with satisfaction and integrity.

We have a small token of our appreciation for the Chairman, Senator Thane, and for Senators Solberg, Iszler, Wright and Barth, who served on the Employment Committee. Again, thank you.

POINT OF PERSONAL PRIVILEGE

Senator Thane: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. Sometime today, I received a copy of the communication that went to John Graham, Executive Director of the Legislative Council involving our telephone attendants and the new Dimension System and I thought it was interesting and that the entire Senate body should know about it. The attendants did a fantastic job, I think they had a record number of telephone calls. They handled a total of 34,909 telephone calls, 7,450 in the month of January, the peak month was February with 14,750 calls and in the month of March 12,709 calls not counting the calls that came today. That averaged out to 11,636 per month and I break it down to about 580 calls per day. Each attendant handled an average of 116 calls per day, they placed 300 long distance calls for senators and representatives. They did a fantastic job and they submitted some recommendations on how to make it work better in the 1983 session and I am sure that the Legislative Procedures and Arrangements Committee is going to pay close attention to these recommendations and I think the Senate body should give them a warm "Thank you" for the work they did.

Senator Nething moved that the Hearts and Flowers session be dissolved, which motion prevailed.

ELECTION OF PRESIDENT PRO-TEM FOR THE INTERIM

Senator Olin: Mr. President, members of the Senate, it is with a great deal of pleasure that I place a name in nomination for the position of President Pro-tem. He is a man who has worked very diligently through the entire session, he has carried out his duties well, he has served as caucus chairman for the Majority party, Senator Naaden. Senator Melland seconded the nomination.

Senator Dotzenrod: Mr. President, ladies and gentlemen of the Senate, it is my pleasure and honor to place in nomination for President Pro-tem of the North Dakota State Senate, a man who has served North Dakota well as a legislator for four terms in the House and is presently completing his fifth legislative session in the Senate. Those Senate members who have served in this session and in previous sessions have come to know and respect this individual for his integrity, his strength of character, good judgment and common sense. I have every confidence that he would serve the Senate extremely well as President Pro-tem, even though every indication is at this time that he faces an up hill battle. As a note of caution, those who have watched him in past elections, say that he is a tough campaigner and you can't count him out unless the deck is heavily stacked against him. This individual impressed me when I was a young legislator, I overheard him speaking to a group of his constituents and he was very solemn and he said "I want you to understand that I never tell a lie, unless of course, there is no other alternative". That is a "true" story about this individual. Senator Shablow is our nominee and again it is my pleasure and honor to place in nomination for President Pro-tem of the North

Dakota State Senate the name of Senator Frank Shablow of the 10th District. Senator Berube seconded the nomination.

Senator Nething moved that the nominations cease, which motion prevailed.

ROLL CALL

The question being on the nomination of President Pro-tem during the interim, the roll was called and there were 40 votes for Naaden, 10 for Shablow, absent and not voting 0.

Those voting for Naaden were:

Adams	Hanson	Nelson	Sorum
Albers	Holmberg	Nething	Stenehjerm
Bakewell	Iszler	Olin	Streibel
H. Christensen	Lee	Parker	Tennefos
R. Christensen	Leibhan	Peterson	Thane
Cussions	Lips	Quail	Tierney
Dykshoorn	Lodoen	Reiten	Tweten
Erickson	Melland	Roen	Vosper
Fritzell	Moore	Shablow	Wenstrom
Goodman	Mutch	Solberg	Wright

Those voting for Shablow are:

Barth	Naaden
Berube	Redlin
Dotzenrod	Stromme
Grotberg	Tallackson
Lashkowitz	Walsh

Senator Naaden was elected President Pro-tem during the interim.

Senator Shablow: Mr. President, I rise to congratulate my opponent on his victory. I just hoped I would have had a little time to do some campaigning, I may have been able to change the vote a little bit. I accept my defeat as gratefully as I can but glory to the day that we are the Majority. Mr President, I moved that a unanimous ballot be cast for the Senator from the 30th District as President Pro-tem, which motion prevailed.

Senator Naaden: Mr. President, ladies and gentlemen of the Senate, thank you very much my fellow Senators and you Senator Shablow for bowing out so graciously. This is a real honor and I am just a little afraid if I ever get to sit up there where our Lt. Governor is now, you probably won't be as kind to me as you were to him. But thank you very much, it is really an honor and it will be a privilege to serve in this capacity.

POINT OF PERSONAL PRIVILEGE

Senator Barth: Mr. President, I rise on a point of personal privilege. Mr. President, I regret I was not here for the "Hearts and Flowers" session, but Senator Berube and I had another commitment from which we tried to hasten our return, which we did, but first of all I would like to thank the Senate for the fine gift that was presented to me. While I haven't had time to hear the comments made, I would like to thank the Senator who made the comments for the very fine remarks he did make, I am sure. Having been a member of this body for a number of years - - - I just now found out who made the remarks - I am sure that the remarks were very gracious and well accepted and very true, and I am convinced there were times during the session when the feeling was mutual. I do want to again thank the Senate very sincerely for the gift and I will treasure it forever.

Senator Nething: Mr. President, I wonder if the Senator from the

35th District would yield to a question. The Senator yielded. Mr. President, my question to the Senator is, "What would his reaction be if he knew that after those remarks were given, 39 members of this body cried out 'garbage'?"

Senator Barth: Mr. President, to answer the Senator, I did see a clipping that came out of the Fargo Forum and somebody had removed one word, and it said "Barth calls Nething garbage" and I didn't really say that. The answer to the question is, I think for once I would have agreed with 39 Senators.

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

Senator Nething moved that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn subject to reconvening pursuant to Senate Concurrent Resolution No. 4033, which motion prevailed.

The President appointed as such committee:

Senator Naaden
Senator Holmberg
Senator Berube

Senator Nething moved that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn subject to reconvening pursuant to Senate Concurrent Resolution No. 4033, which motion prevailed.

The President appointed as such committee:

Senator Melland
Senator Tierney
Senator Shablow

Senator Naaden announced that the committee appointed to inform the Governor that the Senate has completed its business and is about to adjourn, has completed its task and asks that the committee be discharged, which request was granted.

Senator Melland announced that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn, has completed its task and asks that the committee be discharged, which request was granted.

A committee from the House was received and announced that the House has completed its business and was ready to adjourn.

Senator Nething moved that at the conclusion of the 15th Order of Business, the Senate stand adjourned subject to reconvening pursuant to Senate Concurrent Resolution No. 4033; and that upon adoption of this motion, the President declare the session closed for the purpose of Article IV, Section 41, and adjourn, subject to reconvening pursuant to Senate Concurrent Resolution No. 4033; for all other purposes including the time limits for the consideration of gubernatorial vetoes under Article V, Section 9 of the North Dakota Constitution, which motion prevailed.

President Sands declared the Senate closed and adjourned pursuant to Senator Nething's motion.

LEO LEIDHOLM, Secretary